

RECONSIDERING MILITARY SUPPORT TO COUNTERDRUG  
OPERATIONS ALONG THE U.S.-MEXICO BORDER

A thesis presented to the Faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE  
General Studies

by

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2009

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REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. <b>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.</b>					
1. REPORT DATE (DD-MM-YYYY) 11-12-2009		2. REPORT TYPE Master's Thesis		3. DATES COVERED (From-To) FEB – DEC 2009	
4. TITLE AND SUBTITLE  Reconsidering Military Support to Counterdrug Operations Along the U.S.-Mexico Border				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)  Eric A. Reid, MAJ, USMC				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, KS 66027-2301				8. PERFORMING ORG REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Approved for Public Release; Distribution is Unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT Violence perpetrated by Mexican drug trafficking organizations (DTOs) increased dramatically in 2006 and continued to rise dramatically through early 2009. During this same period, Mexican DTO infiltration of U.S. cities skyrocketed. The increase in DTO activity resulted in calls for increased military involvement in counterdrug operations along the U.S. border with Mexico. This thesis examines the history and practice of domestic military support to civilian law enforcement agencies (MSCLEA) for counterdrug operations along the southwest border. Counterdrug MSCLEA was directed by Congress over the objections of senior defense and military officials in the late 1980s and early 1990s. Congressional mandates and defense policies for counterdrug MSCLEA have not been adjusted to incorporate the realities of the North American Free Trade Agreement (NAFTA), the establishment of the Department of Homeland Security (DHS), and the establishment of U.S. Northern Command (USNORTHCOM). This thesis concludes that counterdrug MSCLEA efforts along the U.S.-Mexico border are not necessarily military in nature, have not been effective, are hampered by the requirement to maintain a free flow of trade with Mexico, and prevent the proper resourcing of law enforcement agencies responsible for domestic drug enforcement.					
15. SUBJECT TERMS Border security, border, drug smuggling, drug trafficking, interdiction, MSCLEA, JTF-North, JTF-6, NAFTA, DHS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			19b. PHONE NUMBER (include area code)
(U)	(U)	(U)	(U)	122	

Standard Form 298 (Rev. 8-98)  
Prescribed by ANSI Std. Z39.18

MASTER OF MILITARY ART AND SCIENCE  
THESIS APPROVAL PAGE

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

**MILITARY SUPPORT TO COUNTERDRUG OPERATIONS ALONG THE U.S.-MEXICO BORDER**, by Maj Eric A. Reid, USMC, 122 pages.

Violence perpetrated by Mexican drug trafficking organizations (DTOs) increased dramatically in 2006 and continued to rise dramatically through early 2009. During this same period, Mexican DTO infiltration of U.S. cities skyrocketed. The increase in DTO activity resulted in calls for increased military involvement in counterdrug operations along the U.S. border with Mexico. This thesis examines the history and practice of domestic military support to civilian law enforcement agencies (MSCLEA) for counterdrug operations along the southwest border. Counterdrug MSCLEA was directed by Congress over the objections of senior defense and military officials in the late 1980s and early 1990s. Congressional mandates and defense policies for counterdrug MSCLEA have not been adjusted to incorporate the realities of the North American Free Trade Agreement (NAFTA), the establishment of the Department of Homeland Security (DHS), and the establishment of U.S. Northern Command (USNORTHCOM). This thesis concludes that counterdrug MSCLEA efforts are not necessarily military in nature, have not been effective, are hampered by the requirement to maintain a free flow of trade with Mexico, and prevent the proper resourcing of law enforcement agencies responsible for domestic drug enforcement.

## ACKNOWLEDGMENTS

I wish to thank the members of my thesis committee for their patience, advice, and mentoring through the many revisions of this project. Their encouragement and guidance enabled me to complete this thesis. I would like to thank the many members of the staff of Joint Task Force North and various law enforcement agencies working to secure the U.S. Homeland who took time out of their overburdened schedules to educate me on the realities of the challenges of their tasks. To a person, they are professional and competent protectors of our way of life. The candor of their insights was instrumental in my ability to make circumspect recommendations. Finally, I would like to thank my beautiful and patient bride and daughter for their tolerance and understanding as I worked through the thesis production process.

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## ACRONYMS

ATF	Alcohol, Tobacco, and Firearms (Bureau of)
CBP	Customs and Border Protection (Department of)
DSCA	Defense Support to Civil Authorities
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DTO	Drug Trafficking Organization
FBI	Federal Bureau of Investigation
GOM	Government of Mexico
ICE	Immigration and Customs Enforcement
JIATF	Joint Interagency Task Force
JTF	Joint Task Force
MSCLEA	Military Support to Civilian Law Enforcement Agencies
NAFTA	North American Free Trade Agreement
ONDCP	Office of National Drug Control Policy
PCA	<i>Posse Comitatus</i> Act
SBI	Secure Border Initiative
UAV	Unmanned Aerial Vehicle

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## CHAPTER 1

### INTRODUCTION

Much ado was made in the U.S. media during late 2008 and early 2009 of the national security threat posed by Mexican drug trafficking organizations (DTOs). Sensational news stories of thousands of murders in northern Mexico, rising drug violence in U.S. border states, and overall lawlessness in the border region inflamed public sentiment. On 24 March 2009, the chairman of the Senate Committee on Homeland Security, Senator Joe Lieberman, called Mexican DTOs “a clear and present danger” to the U.S.<sup>1</sup> In December 2008, General (Retired) Barry McCaffrey, former director of the Office of National Drug Control Policy (ONDCP) returned from an advisory conference for Mexican law enforcement leaders with a dire assessment. McCaffrey reported, “Mexico is not confronting violent criminality—it is fighting for survival against narco-terrorism.”<sup>2</sup> Influential field grade officers within the U.S. military, concerned about the security threat posed by Mexican DTOs, advocated the establishment of a national joint interagency task force to counter transnational threats along the southwest border.<sup>3</sup>

The current U.S. strategy to counter the strength and influence of Mexican DTOs is unsuccessful. The U.S. war on drugs is nearing the end of its fourth decade and drug cartel influence within the U.S. homeland is greater than ever and expanding. Law enforcement and military efforts to interdict the supply of drugs to consumers have failed to reduce usage rates among U.S. citizens. Mexican DTOs have become brazenly violent on the south side of the U.S.-Mexico border. In areas of northern Mexico, DTOs are organized and equipped as military forces that out-gun Mexican authorities.<sup>4</sup> These DTOs

have carefully refrained from such violence north of the border, but they have expanded their integration into U.S. society.<sup>5</sup> With these developments in mind, it is prudent to consider increased military support to drug interdiction along the southwest border.<sup>6</sup>

DTO violence within Mexico increased significantly from 2006 through 2009. Current U.S. strategies to interdict DTO operations are ineffective and fail to wrest initiative from traffickers. DTOs are, indeed, a national security threat that directly violates the sovereignty of both the U.S. and Mexico, endangers and butchers innocents by the hundreds, corrupts government institutions, and embezzles government funds into the private accounts of DTO members and abettors. Mexican DTOs have successfully infiltrated all levels of the government of Mexico and several U.S. law enforcement agencies. Within Mexico, they maintain standing private armies equipped with state-of-the-art weapons and communications equipment. There they murder and intimidate with impunity.

The U.S. drug consumer market sends billions of dollars annually into the DTO coffers facilitating DTO expansion. Over the past decade, Mexican DTO penetration of U.S. cities has increased dramatically. In 2006, U.S. law enforcement agencies reported Mexican DTO organized criminal influence in 94 American cities. By 2009, this number increased to 295.<sup>7</sup>

DTO integration of the U.S. homeland is detrimental to society for several reasons. Drug related crimes by users naturally rise with drug usage. Additionally, drug traffickers with idle hands turn to other spree crimes. The incident rate of violent kidnappings in Phoenix, Arizona is currently the second highest in the world. Mexico City, from whence this signature DTO ancillary crime originated, is the global leader for

kidnappings.<sup>8</sup> According to Andy Anderson, Chief of Police for Phoenix, speaking for his city, “We’re the eye of the storm. If it doesn’t stop here, if we’re not able to fix it here and get it turned around, it will go across the nation.”<sup>9</sup>

Drug usage in society also has tremendous economic impact. According to Fernando Romero, the average U.S. citizen pays \$300 annually in taxes to offset the effects of drug related crimes and only \$10 annually on prevention and treatment programs. As of 2008, 21 percent of state and 55 percent of federal prison inmates were imprisoned for drug law violations.<sup>10</sup>

Clearly DTOs have been successful throughout the drug war. In fact, the war on drugs is being waged and won by an adaptive and opportunistic coalition of criminal organizations operating in both Mexico and the U.S. Traffickers cross the border in both directions with ease. This paper assesses the potential benefits of increasing domestic MSCLEA for counterdrug operations along the U.S. southwest border.

### Ineffectiveness of U.S. Counterdrug Strategy

The U.S. strategy throughout the modern war on drugs has been overwhelmingly focused on interdicting the drug supply to U.S. consumers. This strategy is predicated on the assumption that reduced drug supply caused by successful interdiction will drive the price of drugs on the U.S. market higher than that which addicts are willing to pay. In theory, this will reduce overall drug usage as potential users decide drugs are more costly than they are beneficial. Opponents of this supply-side theory argue that attempts to counter the illicit narcotics threat primarily by attacking the supply side of the equation will continue to be met with disappointment.<sup>11</sup> They believe that the war on drugs will eventually, if ever, be won by reducing drug demand within the U.S. domestic consumer

market. American and Mexican societies are simply too free, and the southwest border simply too challenging, to promote a complete eradication of smuggling. To date, supply interdiction has not reduced U.S. consumer appetite for—or access to—illicit drugs.

A comparison of increased drug control efforts by the U.S.—as demonstrated by an increased federal drug control budget—to drug use over time illuminates the recent lack of progress in the war on drugs. See figure 1. In 1996, the U.S. federal drug control budget was \$6.3 billion with 53 percent (\$3.3 billion) devoted to demand reduction and 47 percent (\$3 billion) devoted to supply reduction. This supply reduction budget was divided among programs for domestic law enforcement, international programs, and interdiction. That same year, 6.1 percent of U.S. residents age 12 and older reported having used illicit drugs within the past 30 days.

The total federal drug control budget grew every year from 1996 through 2007. In 2007, the overall drug control budget was \$13.8 billion with demand reduction accounting for only 35 percent (\$4.9 billion) while supply reduction received 65 percent (\$8.9 billion) of funding. In 2007, 8 percent of U.S. residents age 12 and older reported having used illicit drugs within the past 30 days.<sup>12</sup>

Thus, from 1996 through 2007, the federal drug control budget increased 220 percent from \$6.3 billion to \$13.8 billion. Over this twelve-year span, the percentage of drug control funding devoted to supply reduction strategies received consistent annual increases resulting in corresponding decreases in demand-reduction budget share. Despite this overall and relative increase in supply-reduction expenditure, drug usage among U.S. residents increased by almost two percent of the sampled population. These data demonstrate a lack of covariance between the variables of drug control expenditures—to

include interdiction--and illicit drug usage rates among the U.S. population. This lack of covariance indicates a disturbing lack of correlation between drug control efforts and drug abuse and should inspire a foundational review of the overall U.S. national drug control strategy.

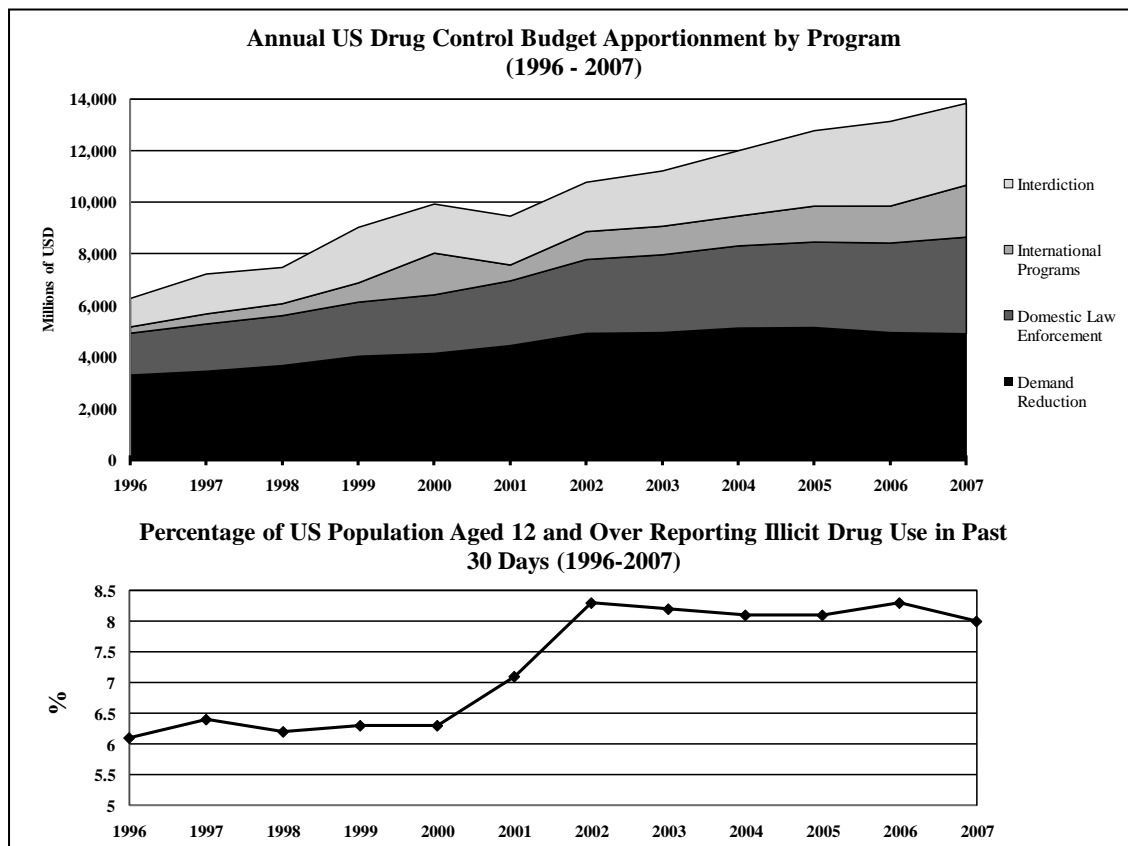


Figure 1. U.S. Federal Drug Control Budget vs. Drug Use

Source: Annual drug control budget data is from *Sourcebook of Criminal Justice Statistics Online*, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, <http://www.albany.edu/sourcebook/pdf/t1142009.pdf>. Percentage of U.S. population age 12 and over reporting illicit drug usage within the past 30 days is from the *National Survey on Drug Use and Health (NSDUH)* for years 1996 through 2007, <http://www.oas.samhsa.gov/nhsda.htm>. Drug Control Budget vs. Recent Drug Usage Over Time.

## U.S. Interdiction Strategy and the Southwest Border

Experts consulted by the author unanimously agreed that interdicting drug shipments stands no chance of success as a principal strategy for winning the war on drugs.<sup>13</sup> While interdiction at the border can never be an effective central strategy of counterdrug success, it can be a valuable contributing factor to a successful holistic program of reduction in DTO effectiveness. The southwest border can and should be made more secure from illicit trafficking.

The U.S. military has equipment and manpower which are potentially beneficial to increased border security. The military has a standing joint task force, Joint Task Force North (JTF-North), in place with a history of limited participation in military support to civilian law enforcement agencies (MSCLEA) along the southwest border. Military forces have been heavily restricted from direct border security participation. In light of the explosion in drug infiltration and violence in recent years, politicians and other leaders have considered increased military involvement in drug interdiction.

This study assesses the practice of MSCLEA for domestic drug interdiction. It provides insights into the justifications for counterdrug MSCLEA along the U.S.-Mexico border. The purpose of this research is to validate or invalidate the need for counterdrug MSCLEA by answering the primary research question: Should additional U.S. military capabilities be brought to bear against Mexican DTOs to increase counterdrug effectiveness along the U.S.-Mexico border? Secondary research questions include: How are DTOs exploiting gaps in border security to be successful? What weapons and specialized equipment are employed by DTOs that overmatch the capabilities of U.S. law



enforcement agencies? In what ways is the military most suited to contribute to the national counterdrug effort? What is the history of MSCLEA for counterdrug operations?

This study explores the above questions through a combination of historical analysis of key political developments, policies, and laws that have defined the U.S.-Mexico border and the war on drugs. This historical review augments a comparative study of academic literature and analysis on the wisdom and effectiveness of counterdrug MSCLEA. Additionally, this thesis relies heavily on first-hand accounts of counterdrug MSCLEA from subject matter experts intimately involved in counterdrug policy decisions, execution, and evaluation.

#### Definitions of Key Terms

This thesis refers to four key terms that require definition for clarity:

Drug trafficking organization (DTO): criminal organizations responsible for the production, transportation, delivery, and distribution of illicit drugs<sup>14</sup>

Drugs: all illegal narcotic substances including cocaine, heroin, methamphetamine, and marijuana

Military support to civilian law enforcement agencies (MSCLEA): a mission of civil support that includes support to civilian law enforcement agencies. This includes but is not limited to: combating terrorism, counterdrug operations, national security special events, and national critical infrastructure and key asset protection.<sup>15</sup>

Southwest border: the land border between the U.S. and Mexico; also called the U.S.-Mexico border

### Limitations and Delimitations

Security classification of relevant information is the dominant limitation of this thesis. To ensure this thesis remains available to stakeholders in the war on drugs, the author decided to keep this work unclassified. Classified information encountered during research is not included. No information available to the author contradicted the information contained herein.

There are three principal delimitations with this paper. First, it solely focuses on MSCLEA along the southwest border. Other counterdrug issues such as interagency coordination, enduring demand for drugs within the U.S., and the difficulty establishing unity of effort among diverse agencies are only addressed as they are relevant to military support along the border. Second, this paper does not address the value of defense support to civil authorities for consequence management and disaster relief. Third, this paper does not assess MSCLEA for counterterrorism operations.

### Organization

This thesis consists of six chapters, an appendix, and a glossary. Chapter 1 introduces the topic of counterdrug MSCLEA within the context of the historical and current war on drugs. Chapter 2 consists of a literature review of the history of the war on drugs and its escalation to include MSCLEA, the laws authorizing MSCLEA, the academic debate focused on the wisdom of military involvement in the war on drugs, the nature of the U.S.-Mexico border and the DTO threat, and the ambiguous character of measures of MSCLEA effectiveness. Chapter 3 details the research methodology followed in thesis preparation. Chapter 4 provides a concise historical overview required for circumspect evaluation of the primary research question. Chapter 5 provides analysis

answering the secondary research questions which, when taken in sum, answer the primary research question. Chapter 6 provides the author's interpretation of the analysis in chapter 5 and presents the author's conclusions and recommendations. Chapter 6 also details unexpected findings during the course of research and recommendations for further research by others.

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<sup>1</sup>CNN.com, "Senators: Obama Border Initiative Good Start, But Insufficient," CNN.com, 24 March 2009, <http://www.cnn.com/2009/POLITICS/03/24/obamamexico.policy/index.html> (accessed 25 March 2009).

<sup>2</sup>General Barry McCaffrey, USA (Ret), "After Action Report—General Barry R. McCaffrey USA (Ret) VISIT MEXICO—5-7 DECEMBER 2008," 4, [http://mccaffreyassociates.com/pdfs/Mexico\\_AAR\\_-\\_December\\_2008.pdf](http://mccaffreyassociates.com/pdfs/Mexico_AAR_-_December_2008.pdf) (accessed 24 March 2009).

<sup>3</sup>Commander Ronald Baasch, Colonel Kevin Wilson, Captain Dennis Mikeksa, and Colonel John Mayer, "National Interagency Task Force—Transnational Threats" (Joint Critical Analysis Paper, Joint Forces Staff College, March 2009); provided to the author by Col John Mayer, USMC, Deputy Commander, Joint Task Force North.

<sup>4</sup>McCaffrey, Trip Report, 6; and General Barry McCaffrey, telephone interview by author, 7 August 2009.

<sup>5</sup>U.S. Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment (NDTA) 2009*, Map #5, <http://www.usdoj.gov/ndic/pubs31/31379/dlinks.htm#Map5> (accessed 17 August 2009); and J-2 (Intelligence) staff of JTF-North, background interview by author, Fort Bliss, TX, 7 August 2009.

<sup>6</sup>The term "southwest border" refers to the land border between the U.S. and Mexico throughout this thesis.

<sup>7</sup>*NDTA 2009*, Map#5 index. Note that General McCaffrey cites this number as 295 in his trip December 2008 trip report. The author elected to use the lower number substantiated by law enforcement reporting by the National Drug Intelligence Center in the NDTA. The NDTA of 2006 reports only 94 Mexican DTO operations within U.S. cities. *NDTA 2006*, <http://www.usdoj.gov/ndic/pubs11/18862/appenda.htm#Mappercent203> (accessed 17 August 2009).

<sup>8</sup>George Will, "Cartels kidnap Phoenix," *North County Times*, 22 March 2009, <http://www.northcountytimes.com/articles/2009/03/22/opinion/will/zd04b4622189da28e25757e005b8740.txt> (accessed 7 May 2009).

<sup>9</sup>Brian Ross and Richard Esposito, “Kidnapping Capital of the U.S.A., Washington Too Concerned With al Qaeda to Care, Officials Say,” ABC News, 11 February 2009, <http://abcnews.go.com/Blotter/story?id=6848672> (accessed 5 May 2009).

<sup>10</sup>Fernando Romero, *Hyper-Border: The Contemporary U.S.-Mexico Border and Its Future* (New York: Princeton Architectural Press, 2008), 144.

<sup>11</sup>For a detailed discussion on the limitations of a supply-reduction counterdrug strategy, see Mathea Falco et al., *Rethinking International Drug Control: New Directions for U.S. Policy* (Washington, DC: Council on Foreign Relations, 1997), 10-35.

<sup>12</sup>The annual federal drug control budget is divided into two categories: demand reduction and supply reduction. Supply reduction is further divided into domestic law enforcement, international programs, and interdiction. Money for MSCLEA is budgeted under the interdiction category of the overall budget. The National Survey on Drug Use and Health (NSDUH) is conducted annually by the Office of Applied Studies, Substance Abuse & Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services. This survey was chosen for comparison because of its continuity of data and consistent methodology over the years in question.

<sup>13</sup>McCaffrey, interview; and Colonel John Mayer, Deputy Commander JTF-North, interviewed by author, Fort Bliss, TX, 7 August 2009; J-2 (Intelligence) Section, JTF-North, interview by author, 7 August 2009; and Dr. Bruce Bagley, University of Miami, telephone interview by author, 3 August 2009.

<sup>14</sup>This is the author’s definition. No doctrinal definition exists in counterdrug literature though the term is in continual use.

<sup>15</sup>Chairman, Joint Chiefs of Staff, Joint Publication (JP) 1-02, *Department of Defense Dictionary of Military and Associated Terms* (Washington, DC: Government Printing Office, 12 April 2001), 348. Note that this thesis specifically focuses on the effectiveness of MSCLEA for counterdrug operations only.

## CHAPTER 2

### REVIEW OF LITERATURE

This chapter provides an overview of the literature examined for this study and identifies the unique contribution of this thesis. It identifies the dominant literature and representative arguments evaluated by the author in reassessing the wisdom of counterdrug military support along the southwest border. Due to the emerging and continually-changing nature of the Mexican DTO operations, there are few recently-published books on the subject.

Though the war on drugs has arguably been ongoing since the presidency of Richard Nixon, academic debate on military involvement along the border is lacking. Further, most academic debate concerning the wisdom of MSCLEA at the border focuses primarily on the issue of illegal immigration and only secondarily on drug interdiction. Academic, executive, and legislative interest in MSCLEA emerged in the late 1980s in response to President Reagan's emphasis on the concept of drugs as a threat to national security. This interest peaked in the late 1990s following a decade of gradually-increasing military involvement in global and domestic drug interdiction. Since the late 1990s, interest in the topic has plummeted. The resulting net effect is that only a few notable scholars--represented here by Bruce Bagley, Peter Andreas, and Timothy Dunn--continue to devote their careers to this study. The bulk of U.S. policy affecting domestic counterdrug MSCLEA has not been updated to reflect the realities of the implementation of the North American Free Trade Agreement (NAFTA) or the terrorist attacks of 11 September 2001.

The author studied leading scholarship that addresses the various facets of the complex issue of military involvement along the border in order to examine the problem holistically. The chapter is divided into six sections corresponding to the six categories of sources consulted. This thesis relies on literature in the following four categories: the limited applicable books available, scholarly articles, government studies, and existing MMAS theses and SAMS monographs. This list is in order of research priority.

### Books

Scholars have devoted little focus to the topic of military support to domestic drug interdiction. There is only one book-length research study that is directly aligned with the scope of this thesis; it was published during the presidency of Ronald Reagan. The remaining available books concerning military support to drug interdiction, discussed below, focus not on domestic military efforts but, rather, on foreign interventions in drug source or transit countries, air corridors, and on the seas. The remaining books that do address MSCLEA regarding domestic drug interdiction do so only tangentially.

The one extant research study that is directly applicable to this thesis, *Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction*, is a 1988 RAND study prepared for the undersecretary of defense for policy by Peter Reuter and six other researchers. Though Reuter's study closely mirrors the subject at hand, it is dated and has become more of a work of historical reference than current observation. This is due to the combination of the changing border environment and constant tactical adaptations by law enforcement and DTO smugglers in the twenty-one years since the study's publication. Nevertheless, many of Reuter's observations regarding the strengths, weaknesses, pitfalls and potential contributions of the military along the border are still

valid. Reuter concludes that military support provided in the war on drugs in the 1980s was costly, ineffective, and distracted military forces from preparing for interstate combat missions.

Timothy Dunn's 1996 book, *The Militarization of the U.S.-Mexico Border, 1978-1992: Low Intensity Conflict Doctrine Comes Home*, is a qualitative study comparing information from interviews with law enforcement professionals, congressional documents, military doctrine, and Dunn's personal observances.<sup>1</sup> Dunn's thesis is that the U.S.-Mexico border was gradually militarized over the period from 1978 through 1992. His main agenda is to demonstrate that increasing involvement along the border escalated over time and soon forced participating military members into an immigration-enforcement role not intended by Congress and defense officials. In the end, Dunn's book is about immigration policy, not drug interdiction. His primary concern is to inspire reflection and a re-evaluation of the militarization of immigration enforcement and, to a lesser extent, domestic drug interdiction efforts. He concludes that: "U.S. agencies gradually (though apparently unintentionally) militarized the U.S.-Mexico border . . . a militarized approach to immigration and drug issues, in particular, leads down an ill-fated path, and consequently warrants ample scrutiny."<sup>2</sup> This book provides valuable insight into the challenges of MSCLEA along the southwest border. However, it is dated in that its analysis ends prior to NAFTA and other key developments along the border since 1992.

The most influential and widely cited text applicable to this research is Peter Andreas' 2001 book, *Border Games: Policing the U.S.-Mexico Divide*. In this work, Andreas seeks an explanation for the "sharp escalation of border policing" since 1993.<sup>3</sup>

Andreas examines the period from 1993 through 2000 and, thus, continues chronologically from the end of Dunn's study. He believes that border enforcement escalation has led to swelling agencies, increased costs, and an overall blurring of responsibilities between national security institutions and law enforcement.<sup>4</sup> Throughout his compelling work, Andreas stresses the principal factors that impede drug enforcement along the border: illegal immigration and commercial trade relationships. Any military forces involved in border drug interdiction will necessarily come into contact with illegal immigrants. All drug interdiction forces will be hampered by the massive flow of trade in which to hide illicit shipments.

Andreas successfully argues that counterdrug mission justifications have repeatedly and systematically been abused by law enforcement officials to employ counterdrug military support in an anti-immigration role. Andreas also clearly demonstrates that NAFTA has crippled U.S. efforts to conduct meaningful drug interdiction at the border. With the criticality of U.S.-Mexican cross-border trade in mind, Andreas concludes that: "Sealing the border by military means . . . is incompatible with . . . sustaining the nation's second largest trading relationship. . . . The enormous investment that the United States and Mexico have made in the economic integration process necessitates that the border remain highly porous."<sup>5</sup>

Fernando Romero's *Hyper-Border: The Contemporary U.S.-Mexico Border and Its Future*, is an encyclopedic and current source of demographic, geographical, political, economic, and social analysis specific to the U.S.-Mexico border. Published in 2008, this book is the most recent book consulted in this thesis. Romero's study is a multi-disciplinary analysis of the social and policy implications of the post-NAFTA economic



integration along the border. He comes to the same conclusion as Andreas regarding the criticality of cross border trade for both nations. Romero uniquely examines in detail the fourteen con-urban “sister cities” along the border. He observes that sub-national civic leaders at the state and municipal level in these conjoined urban centers straddling the borders have recently tended to cooperate with one another unofficially in areas of common interest. The author notes that experts estimate that approximately 40,000 people commute daily to work from Tijuana into San Diego. By 2020, the population of Tijuana will double to 25 million increasing daily cross-border traffic.<sup>6</sup>

Very few detailed studies of drug smuggler motivations and decision-making practices exist in academia; such criminals tend to avoid advertising their actions. However, *Drug Smugglers on Drug Smuggling: Lessons from the Inside* is a scholarly study that provides invaluable insight into drug smuggler mentality and is directly relevant to this thesis. In this 2008 book, Scott H. Decker, Professor of Criminology and Criminal Justice at Arizona State University, and his co-author, Margaret Townsend Chapman, conduct a quantitative study based on firsthand accounts of convicted, seasoned drug smugglers. The ONDCP commissioned the study. That office, along with the Coast Guard and Customs Service provided funding.<sup>7</sup> The study’s design complements the previous work of Peter Reuter, the author of *Sealing the Borders*.

Decker and Chapman go to exhaustive lengths to articulate their methodology. They sought to focus specifically on experienced smugglers most likely to be knowledgeable of DTO operations.<sup>8</sup> The researchers screened the population of federal inmates imprisoned for drug trafficking and obtaining an original pool of four hundred fifteen inmates who met their criteria. From this pool, they selected the most experienced

drug smugglers and eventually focused on a research group of thirty-four smugglers. They then conducted a common two-hundred-fifty-seven-question survey which is published in their book as an appendix.<sup>9</sup> Answers provided independently by the smugglers were startlingly uniform and contrary to assumptions that drive the logic of increased MSCLEA along the southwest border. This book is the only study of its kind in publication and it provides a crucial understanding of DTO motivations and perspective that was not available to researchers prior to 2008.

The final book examined for this thesis offers a critical examination of U.S. drug control strategies by thirty-four experts with backgrounds in diplomacy, law enforcement, public health, law, business, and economic development. The Rethinking International Drug Control: New Directions for U.S. Policy report by the Council on Foreign Relations task force chaired by Mathea Falco was released in 1997. The primary concern of this study is national drug control policy. Where it addresses military support to drug interdiction the study is primarily concerned with foreign military operations in drug source countries. This study is authoritative in its quantitative analysis of counterdrug budget growth over time and of fiscal resource allocation within the overall counterdrug budget. Its conclusions on the dollar-for-dollar cost effectiveness of demand reduction spending are referenced by Andreas and others.

### Scholarly Articles

Recent academic articles on the subject of U.S. military involvement in counterdrug operations or border security are scarce. Most extant scholarly articles on the matter were written in the late 1980s and early 1990s when military involvement in the drug war was increasing and challenging existing paradigms.

Bruce Bagley's "The New Hundred Years War: U.S. National Security and the War on Drugs in Latin America" is a foundational article assessing the options and potential pitfalls of the U.S. counterdrug effort. Written in 1988, the article assesses the Reagan administration's counterdrug efforts and their impact on U.S.-Latin American relations. Bagley contrasts the relevance of the drug threat to U.S. and Latin American national interests. He provides a thorough historical context for the prominence of drugs as a national issue in the politically charged atmosphere leading to the passage of the Anti-Drug Abuse Act of 1986. He further examines the challenge of counterdrug efforts from both supply reduction and demand reduction perspectives. Bagley pessimistically concludes that even after massive commitments to interdiction, "no one in the U.S. government can realistically claim that the war on drugs is being won."<sup>10</sup> His ultimate recommendations are to reduce demand, promote the long-term economic growth of Latin America, and to consider legalizing some forms of drugs.<sup>11</sup> After consultation, Dr. Bagley was generous to provide to the author selected articles pending publication.

Bagley's writings inform Kenneth Sharpe's "The Drug War: Going After Supply." Sharpe elaborates Bagley's arguments on the limitations of fighting drugs through supply reduction. Sharpe persuasively argues that drug suppliers will never be coerced out of business as long as the domestic demand in the U.S. is sufficient to generate huge profits. The coincident facts of extreme poverty in drug producing areas, extreme profit incentive, and relative ease of producing and smuggling drugs into the U.S. consumer market combine to make supply interdiction a very costly and ineffective endeavor. Sharpe published this article in 1988. Its basic argument is still valid, but it must be informed by intervening historical events.

To make any meaningful counterdrug progress, decision makers must understand the nature of both the incentives that drive people to produce drugs and the sophistication of drug trafficking organizations. Mexican scholar Gabriela Recio's 2002 article, "Drugs and Alcohol: U.S. Prohibition and the Origins of Drug Trade in Mexico, 1910-1930," provides a comprehensive overview of the early formation of Mexican smuggling organizations. She argues that prohibition-era trafficking organizations were the forerunners of contemporary Mexican DTOs in Baja, Sonora, Sinaloa, Chihuahua, and other key Mexican drug regions. Recio believes that the U.S. Harrison Act making unregulated possession of narcotics illegal and the Volstead Act prohibiting alcohol "created black markets worth millions of dollars along the long border shared with the United States."<sup>12</sup> These black markets professionalized trafficking organizations that integrated governors, local officials, customs officials, and workers. Recio demonstrates that these symbiotic smuggling relationships have endured to the present day.

Victoria Malkin, an anthropologist from Columbia University's Center for Violence Research and Prevention, provides a holistic analysis of DTOs with her paper "Narcotrafficking, Migration, and Modernity in Rural Mexico." This work is an in-depth analysis of the economic, social, political, geographic, and climatic conditions that promote narcotics trafficking. She concludes that state intervention in rural agribusiness and the North American Free Trade Agreement (NAFTA) promote and facilitate DTO operations. She looks extensively at the role of elites in DTO formation and operations within a Mexico that is historically and culturally fertile for the drug trade.

Peter Andreas and Richard Price's 2001 paper, "From War Fighting to Crime Fighting: Transforming the American National Security State," provides an overview of

the post-Cold War decrease in state threats to U.S. national security and the corresponding rise in prominence of non-state threats. Non-state threats are less affected by international borders and the binary distinction between external military threats and internal law enforcement challenges became blurred following the Cold War. The authors catalog the resulting late 20th-Century trends of the “militarization of policing and the domestication of soldiering.”<sup>13</sup> Overall, this article provides an excellent analysis of the reinterpretation of law enforcement concerns as national security threats. Readers should be careful to consider its pre-9/11 perspective. Much of Andreas’ extensive research for his 2000 book *Border Games: Policing the U.S.-Mexico Divide* is mirrored in this article.

Measuring the effectiveness of military involvement in drug interdiction may prove difficult. Carl H. Builder of RAND analyzes such difficulties in his 1993 monograph, *Measuring the Leverage: Assessing Military Contributions to Drug Interdiction*. Builder analyzes twelve historical military interdiction campaigns from the British Navy efforts against slave trading in the 1800s through the Soviet effort to stem the flow of weapons into Afghanistan in the 1980s. He concludes that “any interdiction campaign devoted to controlling illegal drugs will be both difficult to assess and controversial.”<sup>14</sup>

#### Government Studies

Several existing government studies and reports on previous and current U.S. counterdrug initiatives are directly relevant to this thesis. The majority of these reports are by the Congressional Research Service (CRS) and the Government Accountability Office (GAO) prepared for members of Congress. Others are Office of National Drug Control Policy products.

The most current report was written by attorney Stephen Vina of the American Law Division of the CRS in 2006. It is entitled *Border Security and Military Support: Legal Authorizations and Restrictions* and discusses legal and policy limitations on military support within the U.S. This report was specifically written to advise Congressmen on the employment of the National Guard, but its overview of the *Posse Comitatus* Act and other related laws is directly relevant to this thesis. Vina determines that the military is limited to a strict supporting role along the border and that the employment of the National Guard for border security missions--to include anti-terrorism, drug interdiction, and immigration enforcement--is more legally defensible and versatile than employment of the active duty military.<sup>15</sup>

Vina's report is much shorter and less comprehensive than the report prepared by Stephen Doyle in 2000, *The Posse Comitatus Act and Related Matters*. Doyle's report addresses the PCA, legal precedent, and exceptions to the PCA. The report details consequences of violation and is thoroughly researched and documented throughout.

Several GAO reports inform this thesis by providing historical context and insights into legislative interest and involvement in MSCLEA. The 1991 report *Status Report on DOD Support to Counternarcotics Activities* illuminates the intense congressional interest in measures of effectiveness to justify MSCLEA in the early 1990s. This report is augmented by the 1993 report *Heavy Investment in Military Surveillance is Not Paying Off* whose findings are adequately summarized in the title. Together, these two reports may explain the tone and content of Major Gerald Howard's 1994 MMAS thesis (see below) defending the lack of measures of effectiveness justifying military support on the border.

*Information on High Intensity Drug Trafficking Areas Program*, a GAO report of September 1998, provides an overview of ONDCP efforts to increase effectiveness through interagency coordination. Though not specifically germane to military involvement in counterdrug operations, this report provides valuable insight into the difficulties of achieving unity of effort and the dangers of staff bloat within interagency counterdrug operations.

The September 2008 GAO study, *Secure Border Initiative: Observations on Deployment Challenges* details challenges of integrating sensors and obstacles along the 2000-mile U.S.-Mexico border. Whereas the 2007 report, *U.S. Assistance Has Helped Mexican Counternarcotics Efforts, but Tons of Illicit Drugs Continue to Flow Into the United States* illustrates the difficulties of combating the supply of drugs through international assistance programs. The difficulties illustrated in this report seem to validate Malkin.

Existing Command and General Staff College  
Theses and Monographs

David Chase's 2001 School of Advanced Military Studies (SAMS) monograph *Posse Comitatus: A Nineteenth Century Law Worthy of Review for the Future?* This work recommends no change to the PCA, but does argue for changes in policy when considering military employment within the homeland. Though Chase does not focus specifically on counterdrug military support, his coverage of the Insurrection Act, PCA, and the Stafford Act are superb. Interestingly, Chase found significant hesitation on the part of military officers to participate in MSCLEA. He concludes that "the fear of over-

stepping *Posse Comitatus* [sic] restrictions have clearly led to Army avoidance of planning law enforcement support.”<sup>16</sup>

Major Mark Van Drie’s 1990 SAMS monograph titled *Drug Interdiction: Can We Stop the New Pancho Villa?* is relevant to this thesis in that Van Drie specifically addresses the applicability of military counterdrug operations along the U.S.-Mexican border in 1990. The study also clearly articulates that drugs are a legitimate national security threat. Like this current study, Van Drie assesses the vulnerability of drug cartels to military operations and concludes that military forces should be employed at the border “where legal restraints are not so clear and domestic opposition is less likely.”<sup>17</sup> He concludes that effectively securing the U.S.-Mexican border in 1990 would require a cordon force of 65,000 U.S. troops.<sup>18</sup>

Like Van Drie, Major Joseph Southcott designed a hypothetical joint task force to conduct sustained counterdrug operations along the border in his 1996 Master of Military Art and Science (MMAS) thesis, *A Joint Task Force Design to Conduct Sustained Counterdrug Operations Along the Southwest Border*. Southcott thoroughly examines the problem of trans-border drug trafficking as it existed in 1996. He closely examines the 1996 structure of JTF-6 and then concludes that a JTF consisting of only a brigade-size unit could effectively conduct sustained operations to interdict border drug trafficking along the two-thousand-mile boundary. In this, he is much more optimistic than Van Drie was in 1990. Recent U.S. experiences in Iraq and Afghanistan make Major Van Drie’s contradict Major Van Drie’s assessment.

Major Timothy Bairstow’s 2007 Birer-Brooks Award winning thesis, *Border Interdiction in Counterinsurgency: A Look at Algeria, Rhodesia, and Iraq*, provides



detailed analysis of three case studies of military border interdictions aimed at preventing insurgent infiltration. Each of these case studies is analogous to the military tactical problem faced by U.S. military forces along the southwest border. However, the military scenarios evaluated by Bairstow are simpler than the U.S.-Mexico border in that the military forces studied were relatively unconstrained and the borders in question were not commercially significant, much less vital.

Bairstow illustrates that there is a general dearth of border security doctrine within the U.S. military by noting that the current U.S. counterinsurgency manual contains exactly two sentences on border security.<sup>19</sup> Bairstow also asserts that the 1986 version of the U.S. Army Manual on counter guerrilla operations lists two techniques for border control; (1) a combination of defoliation and continuous obstacles, and (2) redistribution of the population away from border areas. Neither technique seems even remotely feasible under post-NAFTA conditions along the southwest border.<sup>20</sup> Overall, Bairstow's thesis is directly relevant to this study in that it clearly and persuasively demonstrates the required conditions and necessary commitments for military success in combating cross-border interdiction.

Major David Hogg's 1993 SAMS monograph, "A Military Campaign Against Gangs: Internal Security Operations in the United States by Active Duty Forces," analyzes legal authorities for employing active duty forces to combat internal threats. He argues that street gangs of 1993 presented a legitimate commercialist insurgent threat that justified MSCLEA within the homeland and away from the borders. Hogg concludes that 1993-era criminal gangs did not warrant a coordinated military response because they did not demonstrate coordinated action at the national level. He believes a national response,

including military support, to be justified if “street gangs become organized under one controlling individual, with outside support from sources such as terrorist organizations or foreign powers not friendly to the United States.”<sup>21</sup>

Major Gerald Howard’s 1994 MMAS thesis entitled “Military Support of Drug Traffic Interdiction: Is It Working?” is an apologetic defense for MSCLEA. Howard’s intent is to refute critics of military support to the counterdrug effort. He argues that military interdiction efforts along the border were effective in 1994 despite a lack of rigorous measures of effectiveness to justify MSCLEA operations. This source provides a useful, concise history of military counterdrug involvement through 1994.

### Summary

Military support to counterdrug operations was an en vogue topic for U.S. scholars, legislators and presidential administrations in the 1980s and early 1990s. During this period of intense interest, much of the focus on military support to drug interdiction was devoted to drug source country and in-transit identification and interception of shipments at sea and in the air. Even at the height apex of debate on military involvement in the war on drugs, domestic counterdrug MSCLEA along the southwest border was largely ignored by makers of U.S. national law and policy. Domestic counterdrug MSCLEA has been almost completely ignored since the early 1990s. Policies set in place by Presidents Ronald Reagan, George H. W. Bush, and during President Bill Clinton’s first term have been almost completely unexamined in light of the significant historical events of NAFTA, the Global War on Terrorism, and the creation of the Department of Homeland Security and U.S. Northern Command. This thesis provides a reassessment in light of past performance and the current situation along the southwest border.

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<sup>1</sup>Timothy Dunn, *The Militarization of the U.S.-Mexico Border, 1978-1992: Low Intensity Conflict Doctrine Comes Home* (Austin, TX: Center for Mexican American Studies of the University of Texas at Austin), 4.

<sup>2</sup>*Ibid.*, 170.

<sup>3</sup>Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca, NY: Cornell University Press, 2000), x.

<sup>4</sup>*Ibid.*, 4.

<sup>5</sup>*Ibid.*, 151.

<sup>6</sup>Fernando Romero, *Hyper-Border: The Contemporary U.S.-Mexico Border and Its Future* (New York: Princeton Architectural Press, 2008), 226, 269.

<sup>7</sup>Scott H. Decker and Margaret Townsend Chapman, *Drug Smugglers on Drug Smuggling: Lessons from the Inside* (Philadelphia: Temple University Press, 2008), Acknowledgements.

<sup>8</sup>*Ibid.*, 1.

<sup>9</sup>*Ibid.*, 163-188.

<sup>10</sup>Bruce Michael Bagley, "The New Hundred Years War? U.S. National Security and the War on Drugs in Latin America," *Journal of Interamerican Studies and World Affairs* 30, no. 1 (Spring 1988): 166.

<sup>11</sup>*Ibid.*, 174-180.

<sup>12</sup>Gabriela Recio, "Drugs and Alcohol: U.S. Prohibition and the Origins of the Drug Trade in Mexico, 1910-1930," *Journal of Latin American Studies* 34, no. 1 (February 2002): 27.

<sup>13</sup>Peter Andreas and Richard Price, "From War Fighting to Crime Fighting: Transforming the American National Security State," *International Studies Review* 3, no. 3 (Autumn 2001): 31.

<sup>14</sup>Carl H. Builder, *Measuring the Leverage: Assessing Military Contributions to Drug Interdiction* (Santa Monica, CA: RAND, 1993), xi.

<sup>15</sup>Stephen R. Vina, Congressional Research Service Report RS22443, *Border Security and Military Support: Legal Authorizations and Restrictions* (Washington, DC: The Library of Congress, 23 May 2006), 1, 5-6.

<sup>16</sup>David W. Chase, “Posse Comitatus: A Nineteenth Century Law Worthy of Review For the Future?” (Master’s thesis, U.S. Army Command and General Staff College, 2001), 36.

<sup>17</sup>Mark L. Van Drie, “Drug Interdiction: Can We Stop the New Pancho Villa?” (Master’s thesis, U.S. Army Command and General Staff College, 1990), abstract, 10.

<sup>18</sup>Ibid.

<sup>19</sup>Timothy Bairstow, “Border Interdiction in Counterinsurgency: A Look at Algeria, Rhodesia, and Iraq” (Master’s thesis, U.S. Army Command and General Staff College, 2007), 60.

<sup>20</sup>Ibid., 61.

<sup>21</sup>David R. Hogg, “A Military Campaign Against Gangs: Internal Security Operations in the United States by Active Duty Forces” (Master’s thesis, U.S. Army Command and General Staff College, 1993), 38.

## CHAPTER 3

### RESEARCH METHODOLOGY

This chapter identifies the research methodology used to assess the need for counterdrug MSCLEA along the U.S.-Mexico border. Though this is a mixed-method study, research conducted for this thesis was predominately qualitative due to the nature of the subject problem. Historical analysis and limited case studies were employed to illustrate key developments in the war on drugs and military involvement in supporting the domestic counterdrug effort.

The author conducted oral history interviews with law enforcement and military professionals involved daily in counterdrug operations. Participants in oral history interviews were selected on the basis of their unique positions and first-hand involvement in counterdrug MSCLEA. Each interview began with presentation of the Command and General Staff College “Consent and Use Agreement for Oral History Materials.” Prior to every interview, the participant read and signed the consent form. In recorded interviews, the subject of the interview was informed of the author’s intent to record the interview and provided consent prior to recording. The author conducted only five recorded interviews. The intent of these interviews is to rely upon the expertise of each interviewee to corroborate, refute, or illuminate information found in other sources. Copies of the signed consent forms are attached to this thesis as appendix B.

The author applied quantitative research methods where applicable and where data of sufficient quantity and veracity existed. Such instances primarily consist of explanations of trends in counterdrug budget allocations, drug use, and comparisons of military expenditure versus seizures and arrests.

The primary research question of this thesis is: “Should additional U.S. military capabilities be brought to bear against Mexican DTOs to increase counterdrug effectiveness along the U.S.-Mexico border?” This primary question is supported by the secondary research questions (SRQs) listed below. The answers to these SRQs help to adequately define the problem and to compose a well-considered response to the primary research question. Analysis in this thesis builds through the SRQs in ascending order.

SRQ 1: How are DTOs Exploiting Gaps in Border Security to be Successful?

The purpose of this question is to identify the nature and extent of DTO exploitation of U.S.-Mexico border integrity. Specifically, this question serves to identify DTO resources and methods that are uniquely vulnerable to U.S. military capabilities or where the U.S. military is uniquely suited to augment civilian law enforcement agencies. Subject matter expertise on this question was obtained through oral history interviews with a U.S. Border Patrol sector chief with over twenty-five years of experience along the southwest border, the staff of the intelligence section of JTF-North who provide daily intelligence support to law enforcement agencies and U.S. Northern Command on the entirety of the southwest border. The author also conducted a review of publicly-available information from books, journal articles, and corroborated news media accounts. The book, *Drug Smugglers on Drug Smuggling*, was particularly helpful in reliably answering this question since data from the perspectives, motivations and experiences of DTO smugglers is extremely rare. This study interviewed experienced smugglers who had at one time been successful in defeating drug interdiction measures.

SRQ 2: What Weapons and Specialized Equipment are Employed by DTOs That Overmatch the Capabilities of U.S. Law Enforcement Agencies?

This question intends to identify and contrast the relative combat power of DTO forces and U.S. law enforcement personnel operating along the southwest border. A significant capability gap in favor of DTO forces would indicate a requirement to bolster the combat power of law enforcement agencies and would promote greater MSCLEA involvement by the U.S. military. If U.S. law enforcement agencies currently have a significant combat power advantage, then any argument for increased MSCLEA on this basis is unfounded.

This question was answered with thorough analysis of personal correspondence and oral history interviews with subject matter experts in the intelligence, plans, and operations sections of JTF-North as well as the section chief of the Rio Grande Valley Sector of the U.S. Border Patrol. Additional information on DTO weapons and equipment was obtained from federal agency reports, congressional testimony, commercial intelligence analysis agencies, and news media reporting.

SRQ 3: In What Ways is the Military Most Suited to Contribute to the National Counterdrug Effort?

The purpose of this question is to synthesize the answers to SRQs 1 and 2 and to analyze any aspects of counterdrug operations where militarily-unique capabilities provide a decisive advantage that law enforcement capabilities cannot. This question is answered when law enforcement and military capabilities are independently overlaid onto the DTO threat analysis that emerges from SRQs 1 and 2. If military capabilities provide an advantage over DTOs that law enforcement capabilities cannot, then increased MSCLEA operations are justified.

To answer this question the author relied heavily on the judgment of experienced law enforcement and military leaders possessing intimate knowledge of counterdrug operations along the southwest border. The author consulted with General (Ret) Barry McCaffrey, U.S. Army (USA); Colonel John Mayer, U.S. Marine Corps (USMC); Chief Ronald D. Vitiello, U.S. Border Patrol (USBP); Chief Fernando Melendez, USBP; and Major Jason Brown, USMC. General McCaffrey was director of the Office of National Drug Control Policy (ONDCP) from 1996 to 2001. Prior to this appointment, he commanded U.S. Southern Command from 1994 to 1996 where he was responsible for drug interdiction efforts in international waterways, airspace, and in drug source countries along the Andean Ridge of South America. General McCaffrey has remained intimately familiar with the Mexican DTO operations and U.S. and GOM strategies. Colonel Mayer, USMC, is the Deputy Commander, JTF-North and coordinates staff and interagency planning and execution for MSCLEA along the southwest border. Chief Vitiello is the Border Patrol sector chief for the Rio Grande Valley Border Patrol Sector and has twenty-five years experience waging the war on drugs along the southwest border. Chief Melendez has worked in the Border Patrol Special Coordination Center at Biggs Army Airfield since the inception of Joint Task Force-6 in 1989. Major Brown is an operations planner with JTF-North. All of these experts provided answers to SRQ 3 during interviews with the author.

In addition to these expert opinions, the author consulted quantitative assessments of military contributions to drug interdiction provided by the GAO and by the RAND Corporation in the 1990s. Two GAO reports “Status Report on DOD Support to Counternarcotics Activities” of June 1991 and “Heavy Investment in Military



Surveillance is Not Paying Off” of September 1993 both detail the difficulties inherent in qualitatively measuring the effectiveness of drug interdiction expenditures. However, both studies do provide qualitative analysis on the cost-effectiveness and the mission accomplishment of DOD aviation and maritime asset employment in MSCLEA. Likewise, RAND studies, “Measuring the Leverage: Assessing the Military Contributions to Drug Interdiction” and *Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction* provide substantiating qualitative analysis of MSCLEA.

#### SRQ 4: What Laws and Regulations Currently Govern the Limits of MSCLEA?

The purpose of this question is to define the realm of the possible with regard to MSCLEA under currently existing U.S. law and DOD policy. Thesis research did not assume these policies to be inflexible or immutable, but did consider them as they existed at the time of research. This thesis does not assess the wisdom of current laws and regulations. It assumes them as constants while considering military effectiveness. Other researchers may wish to scrutinize the limitations on domestic military employment; this thesis does not.

To answer this question, this thesis relies on U.S. Code, DOD instructions, CRS reports, and existing MMAS theses and monographs. In particular, Title 10, U.S. Code clearly states the legal limits on employment of military forces in MSCLEA. DOD directives 5525.5, 5210.56, and 3025.1 provide guidelines for participation and conduct of DOD forces in MSCLEA. CJCS Instruction 3121.02 sets policy limits on the use of force by military members participating in MSCLEA and others will define the current limits of MSCLEA. Steven Vina’s CRS report educating members of Congress on the

legal limits of military counterdrug support is an excellent summary of legislative restrictions. Information from these existing documents augmented personal testimony from law enforcement and JTF-North leadership to answer this SRQ.

#### SRQ 5: What is the History of MSCLEA for Counterdrug Operations?

The author answers this question through historical analysis of the U.S. war on drugs from its inception during the presidency of Richard Nixon through the presidency of George W. Bush. In charting the course of U.S. national policy in the war on drugs, the author used primary sources where available to include presidential directives, executive orders, national security decision directives, and presidential speeches. Applicable public law, particularly the national defense authorization acts of 1982, 1986, 1988, 1990, and 1991 which escalated military involvement in domestic counterdrug operations provide additional context. It was through these laws that Congress directed the DOD to participate in counterdrug MSCLEA.

General McCaffrey and professional scholars Dr. Timothy Dunn, and Dr. Bruce Bagley provided additional clarity on MSCLEA in the war on drugs. General McCaffrey provided insights into his days as the Director, Office of National Drug Control Policy. Timothy Dunn clarified his perspective on a trend of militarization of counterdrug enforcement along the southwest border from 1982 onward. Bruce Bagley reinforced and updated the conclusions he reached in *Rethinking National Drug Control*.

Secondary source historical overviews provided a comprehensive chronological overview of the Mexican DTO smuggling threat from the era of prohibition through the presidency of George W. Bush. The author deliberately consulted peer-reviewed articles and books from professional scholars for secondary source materials.

### Summary

This thesis answers the primary question: “Should additional U.S. military capabilities be brought to bear against Mexican DTOs to increase counterdrug effectiveness along the U.S.-Mexico border?” To do so, the author employs a variety of methods beginning with historical analysis of the war on drugs and its associated contributing MSCLEA. This historical analysis is augmented heavily by oral history interviews of knowledgeable subject matter experts who are qualified to speak authoritatively on counterdrug MSCLEA. Statistical analysis of budgets, military expenditures, drug seizures, drug use, and DTO activity over time provide supporting quantitative evidence of the results of MSCLEA and the war on drugs to date.

## CHAPTER 4

### HISTORICAL ORIENTATION

This chapter will provide the reader with the vital historical context of the war on drugs for counterdrug MSCLEA along the southwest border. The information contained herein lays the foundation for the analysis to follow in chapter 5 and the conclusions and recommendations of chapter 6.

With time and circumstance, U.S. perspectives on both drugs and the southwest border evolved from the turn of the twentieth century to 2009. Narcotics and alcohol were initially unregulated, and then either prohibited or highly regulated, now the control of these substances lies somewhere in between. At the inception of the southwest border, residents of the border region ignored the new line as an insignificant nuisance. Today the border is the world's busiest land boundary and one in which the richest nation in history abuts an impoverished one.<sup>1</sup> As U.S. attitudes concerning drug use soured, the border became more significant, illicit drug markets thrived, and military involvement in domestic drug interdiction escalated.

#### Early U.S. Responses to Drug Abuse

Morphine, heroin, cocaine, and marijuana were legally available to any U.S. citizen at the beginning of the twentieth century. Grocers and merchants sold morphine and heroin in stores or by catalog order. In 1897, the Sears catalog marketed a morphine kit consisting of a syringe, needles and two doses of morphine. An ice-cold Coca Cola actually contained cocaine until 1903. Marijuana was not regulated in any way. Such availability of these narcotics led to widespread addiction among the U.S. population.<sup>2</sup>

Opium consumption within the U.S. rose dramatically from 1870 to 1909. By some estimates, consumption rates tripled during the first three decades following the U.S. Civil War. In 1914, Representative Francis Harrison, a democrat from New York, sponsored legislation to regulate the sale of narcotics within the U.S. He proposed that all purchases of narcotics require a prescription from a licensed medical doctor. Harrison's bill met with congressional resistance over southern state concerns about federal usurpation of states' authorities. Eventually, Congress reached a compromise in which the federal government would control drug sales via its constitutional authority to tax commerce. With this compromise, the Harrison Narcotics Act passed Congress and became law in December 1914.<sup>3</sup> Thus, the Department of Treasury became responsible for drug sale enforcement. In addition to the regulation of narcotics, Congress soon prohibited the sale and consumption of alcohol. Congress ratified the Volstead Act, which initiated federal prohibition of intoxicating liquors, as the 18th Amendment to the U.S. Constitution on 16 January 1919.<sup>4</sup>

As written, the Harrison Act did not render drug possession, recreational drug usage, or drug addiction a crime. The act had three requirements for the narcotics industry. First, it required narcotic producers and distributors to register with the federal government.<sup>5</sup> Second, the act required registered producers and distributors to pay taxes on sales of opiates and cocaine; marijuana remained unregulated. Third, a licensed medical doctor had to validate each legal drug transaction to an individual consumer with a prescription.<sup>6</sup> These three requirements regulated, but did not prohibit drug consumption. However, practice soon transformed the Harrison Act into a *de facto* narcotics prohibition measure. Many post-Harrison-Act U.S. doctors began generating

thousands of dubious prescriptions for profit.<sup>7</sup> These abuses by mercenary doctors are similar to early twenty-first century cases of medicinal marijuana prescription abuses in California following that state's passage of a referendum ballot initiative known as Proposition 215 or the Compassionate Use Act of 1996. The act passed resulting in the addition of a section on medical marijuana to the California Health and Safety Code. The new article allows medical providers to prescribe marijuana for--among more serious, verifiable afflictions--nausea, migraines, chronic pain, and muscle spasms.<sup>8</sup> Following California's lead, thirteen additional states legalized medicinal marijuana between 1996 and 2009.<sup>9</sup>

Regulators immediately responded to abuses of the Harrison Act's provision on medical prescriptions. Several drug enforcement cases went before the U.S. Supreme Court between 1915 and 1919 in which the court ruled that the government had no jurisdiction over the validity of medical prescriptions for narcotics. The court was initially reluctant to intervene in the professional realm of medicine. However, this changed beginning in 1919. In that year, the court ruled in favor of the government in *Webb v. United States*. Authorities arrested and charged Dr. Webb with selling thousands of narcotic prescriptions to addicts for profit. The court ruled that Webb's actions were blatant, nefarious, and not a legitimate practice of medicine.<sup>10</sup> The definitive blow to narcotics prescription abuse came in the Supreme Court's ruling in the 1922 case *United States v. Behrman*. Dr. Behrman provided drugs to an addicted patient who was otherwise free of disease. Behrman considered the use of gradually-reduced sustenance doses for addicts to be humane. The court disagreed and ruled that dispensing drugs to addicts did

not constitute medical treatment and was not in good faith per the Harrison Act.<sup>11</sup> Such actions were now officially illegal. The prohibition of narcotics had begun.

The Harrison and Volstead Acts affected legal and illicit commerce along the southwest border. The U.S. border with Mexico was established on 02 February 1848 by the Treaty of Guadalupe Hidalgo in the central Mexican city of the same name. This act officially ended the Mexican-American War of 1846-1848. In the treaty, Mexico ceded land that became all or part of the modern states of California, Arizona, Nevada, New Mexico, Utah, Colorado, and Texas.<sup>12</sup>

Integrated communities bisected by the new border considered it a nuisance to established ways of life. They ignored it. The newly-defined citizens of the southwestern United States and northern Mexico simply continued their existing relationships and business practices straddling the ill-defined border.<sup>13</sup>

Congress established the U.S. Border Patrol with the Immigration Act of 1924 during the era of drug and alcohol prohibition brought about by the Harrison and Volstead Acts. The border patrol's initial mission was to keep "illegal aliens" out of the United States. However, due to the rampant smuggling of liquor and narcotics across the border, the new organization's focus almost immediately shifted to drug and alcohol interdiction. This focus on cross-border smuggling lasted until the repeal of alcohol prohibition in 1933.<sup>14</sup>

Congress further created the Federal Bureau of Narcotics within the Department of the Treasury in July of 1930. The bureau's first director, Harry Anslinger, was originally opposed to the federal prohibition of marijuana, but reversed his stance in 1936 due to uneven marijuana enforcement by various states.<sup>15</sup> Anslinger championed the

Marijuana Tax Act which became federal law in October 1937. This law subjected legally-possessed marijuana to heavy taxation and required that all personally-possessed marijuana be medicinal in nature.<sup>16</sup>

### Emergence of the DTOs Within Mexico

The prohibition of both alcohol and narcotics within the U.S. had unintended consequences within northern Mexico. Black markets worth millions of dollars annually immediately emerged on the Mexican side of the border. Entrepreneurs hastily constructed saloons, casinos, breweries, and distilleries--which had been banned in the U.S.--in northern Mexico. The international border established by Guadalupe Hidalgo was no longer a nuisance for Mexicans; it was now a source of tremendous wealth. The liquor and narcotics industry poured money into the states of northern Mexico.<sup>17</sup>

As the U.S. applied diplomatic pressure on the Mexican government to curtail the alcohol and narcotics industries, Mexico City applied pressure to regional and municipal governments within Mexico to no avail. Mexican society and state governments simply benefitted too much from the black market to stop it. No alternative source of income could compete with the easy money of drug and alcohol sales.<sup>18</sup>

Esteban Cantu, governor of the northwestern Mexican state of Baja California during the 1920s and 30s, epitomizes the benefits of corruption from smuggling. Cantu sold concessions and licenses to opium producers and marketers for tens of thousands of dollars annually. He also used regional law enforcement agencies to confiscate drugs which his organization later re-sold to addicts.<sup>19</sup> Cantu's jurisdiction included the port of Ensenada, which he developed into the single greatest receiving node for opium shipments in the western hemisphere. Most opium shipments arrived from Europe via the



Panama Canal. Once smugglers offloaded the opium at Ensenada, Cantu ensured safe passage through his territory to the U.S. border at Mexicali and Tijuana.<sup>20</sup>

Throughout the 1920s and 30s, the new Mexican trafficking organizations that emerged due to U.S. prohibition laws demonstrated remarkable adaptability. Traffickers simply altered their distribution routes and methods in response to law enforcement attempts at interdiction. They deftly used oceans, roads, trails, and railroads to move drugs to consumers within the U.S.

After conducting an in-depth analysis of Mexican smuggling operations during the era of prohibition and assessing twenty-first century DTO operations, Mexican scholar Gabriela Recio concluded in 2002 that “[t]he Mexican states that now play an important role in drug trafficking began their activities in this trade around 1916. The northwestern states of Mexico have approximately ninety years’ experience of developing and improving channels to distribute drugs into the United States.”<sup>21</sup>

### The War on Drugs

Congress repealed the prohibition of alcohol in 1933. Narcotics, however, remained illegal under the provisions of the Harrison Act and subsequent legislation and legal precedent between the 1930s and 1960s. Nevertheless, by the 1960s, heroin addiction rates in the U.S. were skyrocketing. The war on drugs became a U.S. public policy objective upon its declaration by President Richard Nixon in June 1971.<sup>22</sup>

President Nixon’s drug war efforts primarily targeted heroin that originated overseas.<sup>23</sup>

The Nixon Administration developed a comprehensive counterdrug strategy that focused on demand reduction, rehabilitation of addicts, and source-country eradication. There was no provision for military participation in the war on drugs under President Nixon.<sup>24</sup>

The war on drugs immediately suffered from disunity of effort among various participating agencies with varying jurisdictions. On 28 March 1973, President Nixon unveiled Reorganization Plan Number 2 of 1973 which created the Drug Enforcement Administration to unify drug enforcement efforts under a single headquarters within the DOJ. The President justified the requirement for the DEA by referring to the six federal organizations working on various aspects of drug war as “fragmented forces” and noting the dysfunctional nature of the “existing organizational patchwork.”<sup>25</sup>

After Nixon, subsequent presidential administrations placed varying degrees of emphasis on combating narcotics, but there was little concerted national counterdrug effort until the presidency of Ronald Reagan. Drug usage in the U.S. remained high throughout the 1970s. In 1979, an estimated 14.1 percent of Americans over the age of twelve reported illicit drug usage within the previous month.<sup>26</sup> Political pressure to involve the military increased during the early 1980s due to the perceived failure of law enforcement efforts to curb a national drug epidemic.<sup>27</sup>

Senator Sam Nunn of Georgia authored changes to the *Posse Comitatus* Act in 1981 that authorized an escalation of counterdrug MSCLEA. Senator Nunn’s legislation was enacted. This new law allowed the military to lend equipment to law enforcement agencies and to operate that equipment, to share pertinent intelligence with law enforcement agents, and to host federal drug enforcement agents on military bases.<sup>28</sup>

Cocaine’s popularity among U.S. drug addicts rose during the early 1980s resulting in increased drug related crimes and health consequences around the country. Media attention raised public awareness of increased cocaine usage. Congress pressured President Reagan to apply military assets to drug interdiction during the run up to the

1986 mid-term congressional elections.<sup>29</sup> The U.S. officially labeled DTOs as a transnational threat to national security for the first time during the heated anti-drug rhetoric of the 1986 election year. President Reagan signed National Security Decision Directive-221 (NSDD-221) on 08 April 1986. In this document, which directs “[a]n expanded role of U.S. military forces,” President Reagan declared that drug trafficking “threatens the national security of the United States.”<sup>30</sup> NSDD-221 also directed the vice president, at the time George H.W. Bush, to promote support for the war on drugs with U.S. allies by “raising this issue in high level discussions with counterparts in producer and trafficker nations as appropriate. [He] should also raise narcotics as an international security issue with U.S. allies.”<sup>31</sup> The Reagan Administration further oversaw the creation of the Office of National Drug Control Policy (ONDCP) via legislation contained within the National Narcotics Leadership Act of 1988. The act originally established the ONDCP, and funded it through 1993, as a cabinet-level office within the executive office of the president.<sup>32</sup>

In June 1988, the Senate and House committees on the armed services convened to “determine whether the military’s role in drug interdiction can be substantially increased in a manner that is consistent with the readiness of the armed forces and also contributes meaningfully to the overall national goals of curbing the abuse of drugs in this country.”<sup>33</sup> Senior military leadership testifying before the committees resisted such increased military involvement. Secretary of Defense Frank Carlucci protested that military “equipment assets are designed for war fighting, not law enforcement. They are, therefore, of doubtful cost effectiveness in a law enforcement role.”<sup>34</sup> Secretary Carlucci further expressed concerns about interdiction missions degrading overall readiness for

combat. In an indictment of a supply-side drug war strategy, he added, “all the . . . interdiction programs in the world will not be effective as long as the demand for illegal drugs in this country is so great.”<sup>35</sup> Reinforcing Secretary Carlucci’s objections, Vice Chairman of the Joint Chiefs of Staff, Air Force General Robert T. Herres, called the belief that increased military interdiction could reduce illegal drug availability in the U.S. market a “myth.”<sup>36</sup> Former Secretary of Defense Caspar Weinberger added additional credibility to military objections to counterdrug missions by publishing an editorial in the *Washington Post* entitled “Our Troops Shouldn’t Be Drug Cops.”<sup>37</sup>

Nevertheless, when Congress passed the 1989 National Defense Authorization Act, it directed a dramatic increase in military support to drug interdiction.<sup>38</sup> This act designated DOD as the lead federal agency for air and maritime surveillance and interdiction of illicit drugs. It also designated DOD as the lead U.S. agency for land and air interdiction of drugs entering the U.S. The act further directed DOD to integrate interagency counterdrug command and control and provided increased funding for states to use National Guard for border interdiction. In response to concerns about maintaining military readiness, the act required all counterdrug military support missions to be voluntary and to have training value for participating military forces.<sup>39</sup> As directed by Congress and President Reagan, the military and the interagency community successfully stepped up efforts to interdict the main cocaine smuggling routes from Colombia through the Caribbean to Florida and other areas along the southeastern U.S. littoral.

President George H. W. Bush succeeded President Reagan on 20 January 1989. He was already intimately familiar with Reagan-era war on drugs policies and initiatives. Indeed, as Reagan’s vice president, Bush had played a major role in the war on drugs

pursuant to NSDD-221. Just minutes into his presidency, President Bush assured the nation of his commitment to the war on drugs by directly addressing illicit drug use. From his podium on the capitol steps, he emphatically stated “. . . take my word for it: This scourge will stop!”<sup>40</sup> Yet, U.S. counterdrug policies changed little under President Bush. One drug war escalation is notable, however. On 19 September 1989, Secretary of Defense Dick Cheney declared: “detecting and countering the production and trafficking of illegal drugs is a high-priority national security mission.”<sup>41</sup> In December 1989, President Bush ordered the invasion of Panama, Operation Just Cause, to overthrow the regime of Manuel Noriega. The Bush Administration justified the U.S. invasion of Panama as a decisive action against Manuel Noriega’s involvement in drug trafficking.<sup>42</sup>

#### Joint Task Force-6

Secretary of Defense Dick Cheney announced the creation of Joint Task Force-6 in November 1989, the month prior to the U.S. invasion of Panama. The task force was established officially on 13 January 1990 at Biggs Army Airfield, Fort Bliss, Texas. The task force’s mission was to “integrate DOD support to federal, state, and local law enforcement organizations connected with counterdrug operations.”<sup>43</sup> The JTF-6 area of operations originally consisted of the border states of California, Arizona, New Mexico, and Texas.<sup>44</sup>

President Bill Clinton continued the trend begun under President Reagan with NSDD-221 of classifying illicit drugs as a national security threat. President Clinton signed Executive Order 12880 on 16 November 1993. This order also refers to drugs as “a national security threat.”<sup>45</sup> The Clinton Administration successfully championed legislation in 1994 and 1997 to secure congressional authorization and funding for the

continuation of the ONDCP.<sup>46</sup> In 1995, the JTF-6 area of operations was expanded to include all of the continental U.S.<sup>47</sup>

In 1997, the tragic death of a U.S. citizen at the hands of a military service member exposed the difficulties and inherent risks in employing combat-oriented forces in “training” missions in support of domestic counterdrug MSCLEA. Marine Corps Corporal Manuel Banuelos shot and killed Texas high school student Esequiel Hernandez with a single shot from his service rifle.<sup>48</sup> Subsequent investigations of the incident determined that Banuelos and the three other Marines with him on his observation post had been poorly briefed on the use of force, were not trained for law enforcement tasks, and lacked law enforcement oversight. The Marines had been briefed that they were likely to encounter dangerous drug smugglers and must be prepared to defend themselves. The incident inspired a backlash against armed military patrols along the border and the practice was abandoned.<sup>49</sup>

#### 11 September 2001 and the Global War on Terrorism

Following the shooting of Esequiel Hernandez, JTF-6 missions focused on more indirect support to law enforcement consisting primarily of engineering, intelligence analysis, and surveillance. Largely in response to the domestic terrorist attacks of 11 September 2001, the U.S. government created U.S. Northern Command (USNORTHCOM) with the primary responsibility to secure the U.S. homeland from transnational threats.<sup>50</sup> On 01 October 2002, JTF-6 was placed under the new NORTHCOM organizational structure.<sup>51</sup> On 31 October 2002, Deputy Secretary of Defense Paul Wolfowitz issued updated DOD counterdrug policy calling for a shift in focus to enhancing the security of the U.S. homeland, increasing military readiness, and

contributing to the Global War on Terrorism.<sup>52</sup> Wolfowitz initiated a DOD review of counterdrug activities to “ensure the efficient and effective use of resources and to complement efforts that combat transnational threats to the United States.”<sup>53</sup> Thus, justification for JTF-6 shifted from primarily counterdrug MSCLEA to the protection of the U.S. homeland from transnational threats.

President George W. Bush first outlined his plan for a cabinet-level Department of Homeland Security in his 6 June 2002 address to the nation. The president envisioned that DHS would secure the U.S. border, prepare and coordinate emergency response, protect U.S. citizens from weapons of mass destruction, and protect infrastructure and information systems.<sup>54</sup> Congress created DHS via the Homeland Security Act of 2002. Per the act, the mission of DHS was “to prevent terrorist acts within the United States; reduce the vulnerability of the United States to terrorism; and minimize the damage and assist in the recovery from terrorist attacks that do occur within the United States.” Section 878 of the act charges the secretary of homeland security to appoint a “senior official” to oversee national drug interdiction and to serve as the “United States Interdiction Coordinator.”<sup>55</sup> Thus, the Bush Administration and Congress created a cabinet department, co-equal within the organizational hierarchy of the U.S. government with DOD responsible for homeland security and domestic drug interdiction.

The Department of Defense re-designated JTF-6 as JTF-North on 28 September 2004. Though the vast majority of JTF-North’s missions continued to be counterdrug in nature, the organization was tasked to “focus its efforts on detection and monitoring of transnational threats within and along the U.S. border approaches.”<sup>56</sup> JTF-North’s current mission statement reads as follows: “Joint Task Force North provides military support to

law enforcement agencies, conducts theater security cooperation as directed, and facilitates interagency synchronization within the USNORTHCOM area of responsibility in order to anticipate, detect, deter, prevent, and defeat transnational threats to the homeland.”<sup>57</sup> Counterdrug operations are no longer even mentioned within the JTF-North mission statement. Yet, counterdrug MSCLEA missions remain the dominant focus of law enforcement support requests and military operations planning within the JTF-North staff.

### Summary

U.S. perspectives on both drugs and the southwest border evolved continuously from the turn of the twentieth century to 2009. Narcotics, unregulated in 1900, are for good reasons, highly regulated today. Within the U.S. alcohol was unregulated, then prohibited by constitutional amendment, and now legal with age restrictions. Marijuana is a special case evolving from completely unregulated in 1900, to regulated via taxation, to completely illegal, and now completely illegal under federal law while considered legal if properly regulated by fourteen of fifty states. The southwest border, which local citizens of both nations ignored during the first decades of its existence, became a critical defining line under the Harrison and Volstead Acts. It has remained so to the present day. Asymmetries in laws and law enforcement on either side of the Guadalupe Hidalgo line have inspired a flourishing black market masked within legitimate commerce.

The war on drugs evolved in response to public opinion and congressional pressure and then stagnated. President Nixon initially conceived of no military role against drugs. President Reagan, under pressure from drug war failures, classified drugs as a national security threat and escalated military involvement against military advice.



President George H.W. Bush invaded Panama to remove a drug smuggler from power. President Clinton continued in his predecessor's policies. After 11 September 2001, President George W. Bush and Congress created a new cabinet department and a geographical combatant command responsible for homeland security and refocused the joint task force responsible for counterdrug MSCLEA from drug interdiction to transnational threat interdiction. Though JTF-North still provides counterdrug MSCLEA, domestic drug interdiction is not specified within current DHS, USNORTHCOM, or JTF-North mission statements.

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<sup>1</sup>Andreas, *Border Games*, x.

<sup>2</sup>Eva Bertram, Morris Blachman, Kenneth Sharpe, and Peter Andreas, *Drug War Politics: The Price of Denial* (Berkeley, CA: University of California Press, 1996), 61.

<sup>3</sup>*Ibid.*, 67.

<sup>4</sup>*The Constitution of the United States of America*, Amendment XVIII: [http://www.archives.gov/exhibits/charters/constitution\\_amendments\\_11-27.html#18](http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html#18) (accessed 25 October 2009).

<sup>5</sup>Note that the use of the word narcotic in this sense refers to opiates and cocaine, but excludes marijuana.

<sup>6</sup>Bertram et al., 68.

<sup>7</sup>Information on doctors issuing unfounded prescriptions for profit in the wake of the Harrison Act from Bertram et al., 74-75; California passed the "Compassionate Use Act" known as Proposition 215 by referendum during state general elections of 5 November 1996 with 55.58 percent of the state vote, <http://www.sos.ca.gov/prd/bmc96/prop215.htm> (accessed 21 August 2009).

<sup>8</sup>State of California, *California Health and Safety Code*, Chapter 6, Article 2.5, Sections 11362.7-11362.83, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11362.7-11362.83> (accessed 25 October 2009).

<sup>9</sup>National Organization for the Reform of Marijuana Laws, "Active State Medicinal Marijuana Programs," [http://norml.org/index.cfm?Group\\_ID=3391](http://norml.org/index.cfm?Group_ID=3391) (accessed 25 October 2009).

<sup>10</sup>Bertram et al., 74.

<sup>11</sup>*Ibid.*, 72-75.

<sup>12</sup>United States, “Treaty of Guadalupe Hidalgo,” <http://www.archives.gov/education/lessons/guadalupe-hidalgo/#documents> (accessed 3 November 2009).

<sup>13</sup>Dunn, *The Militarization of the U.S.-Mexico Border*, 6.

<sup>14</sup>*Ibid.*, 12.

<sup>15</sup>Bertram et al., 79-81.

<sup>16</sup>*Ibid.*, 81.

<sup>17</sup>Recio, 25-29.

<sup>18</sup>*Ibid.*, 30.

<sup>19</sup>*Ibid.*, 34-35.

<sup>20</sup>*Ibid.*, 35-36.

<sup>21</sup>*Ibid.*, 42.

<sup>22</sup>President Richard M. Nixon, “Excerpts from President’s Message on Drug Abuse Control,” *New York Times*, 18 June 1971. At a White House press conference on 17 June 1971, President Nixon declared drugs “public enemy number one in the United States” and opened the war on drugs.

<sup>23</sup>*Ibid.* In Nixon’s only reference to a specific drug, he states “It is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies . . . It is essential to recognize that opium is, at present, a legitimate source of income to many nations which produce it.”

<sup>24</sup>*Ibid.* Nixon’s plan, as outlined in his address, was almost exclusively focused on treatment and prevention of drug addiction.

<sup>25</sup>President Richard M. Nixon, “Message of the President,” 28 March 1973, [http://law.justia.com/us/codes/title5a/5a\\_4\\_97\\_2\\_.html](http://law.justia.com/us/codes/title5a/5a_4_97_2_.html) (accessed 29 July 2009).

<sup>26</sup>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, “1996 National Household Survey on Drug Abuse: Preliminary Results,” Table 5.b., <http://www.oas.samhsa.gov/nhsda/PE1996/artab011.htm#E8E19> (accessed 25 August 2009).

<sup>27</sup>Bruce M. Bagley, *Myths of Militarization: The Role of the Military in the War on Drugs in the Americas* (Miami: University of Miami North-South Center, 1991), 1.

<sup>28</sup>*Ibid.*, 3.

<sup>29</sup>*Ibid.*, 4-5. It is also likely that the extremely well-publicized death of basketball star Len Bias heightened the perceived pressure on legislators and the Reagan Administration to act. Bias was one of the most celebrated college basketball players of 1986. He had recently signed with the Boston Celtics. He died of a cocaine overdose while celebrating on 19 June 1986 as reported in the *Washington Post*, 20 June 1986, <http://www.washingtonpost.com/wp-srv/sports/longterm/memories/bias/launch/bias1.htm> (accessed 23 September 2009).

<sup>30</sup>President Ronald Reagan, *National Security Decision Directive Number 221*, The White House (8 April 1986), 1, fact sheet.

<sup>31</sup>*Ibid.*, 3-4.

<sup>32</sup>David Teasley, Congressional Research Service Report 98-149, “Drug Control: Reauthorization of the Office of National Drug Control Policy” (Washington, DC: Library of Congress, 26 August 1998), 1.

<sup>33</sup>U.S. Government Accountability Office (GAO), *Drug Control: Heavy Investment in Military Surveillance is Not Paying Off* (Washington, DC: U.S. Government Accountability Office, 13 September 1993), 12.

<sup>34</sup>Secretary of Defense Frank Carlucci quoted in GAO, *Drug Control*, 13.

<sup>35</sup>*Ibid.*, 13.

<sup>36</sup>*Ibid.*

<sup>37</sup>Bertram et al., 231.

<sup>38</sup>*Ibid.*, 114-115.

<sup>39</sup>Bagley, *Myths of Militarization*, 14.

<sup>40</sup>George H.W. Bush, Inaugural address (20 January 1989), [http://bushlibrary.tamu.edu/research/public\\_papers.php?id=1&year=1989&month=01](http://bushlibrary.tamu.edu/research/public_papers.php?id=1&year=1989&month=01) (accessed 15 August 2009).

<sup>41</sup>Bagley, *Myths of Militarization*, 14

<sup>42</sup>*New York Times*, "A Transcript of President Bush's Address on the Decision to Use Force," 21 December 1989, <http://www.nytimes.com/1989/12/21/world/fighting-panama-president-transcript-bush-s-address-decision-use-force-panama.html?scp=1&sq=a+transcript+of+president+bush+decision+to+use+force&st=nyt> (accessed 25 October 2009).

<sup>43</sup>Excerpt from unattributed *USNORTHCOM Command History* sent to the author by Major Jason Brown, USMC, JTF-North operational planner, 39.

<sup>44</sup>*Ibid.*, 40.

<sup>45</sup>The White House, Executive Order 12880, *National Drug Control Program*, 16 November 1993, <http://www.archives.gov/federal-register/executive-orders/pdf/12880.pdf> (accessed 25 October 2009).

<sup>46</sup>Teasley, 1.

<sup>47</sup>*USNORTHCOM Command History*, unattributed excerpt sent to the author by Major Jason Brown, USMC, JTF-North Operational Planner, 39.

<sup>48</sup>Timothy J. Dunn, "Border Militarization and Immigration Enforcement: Human Rights Implications," *Social Justice* 28, no. 2 (2001), 14-17; and Mayer, interview.

<sup>49</sup>*Ibid.*, 18; and Mayer, interview.

<sup>50</sup>U.S. Northern Command official website, <http://www.northcom.mil/About/index.html> (accessed 10 August 2009).

<sup>46</sup>*USNORTHCOM Command History*, 40.

<sup>52</sup>*Ibid.*

<sup>53</sup>Paul Richter, "Military is Easing Its War on Drugs," *Los Angeles Times*, 20 October 2002, <http://articles.latimes.com/2002/oct/20/world/fg-mildrugs20> (accessed 20 September 2009).

<sup>54</sup>George W. Bush, Address to the nation, The White House, 6 June 2002, <http://georgewbush-whitehouse.archives.gov/news/releases/2002/06/20020606-8.html> (accessed 23 October 2009).

<sup>55</sup>*Homeland Security Act of 2002*, HR 5005, Library of Congress, <http://thomas.loc.gov/cgi-bin/query/z?c107:h.r.5005.enr>: (accessed 25 October 2009).

<sup>56</sup> *USNORTHCOM Command History*, 46.

<sup>57</sup>Joint Task Force North, *JTF-North Operational Support Planning Guide 2010*, 5. This document is locally produced by the staff of JTF-North to aid civilian law enforcement officials in requesting voluntary military unit support for counterdrug MSCLEA. The staff of JTF-North provided a copy to the author during a research visit on 07 August 2009.

## CHAPTER 5

### ANALYSIS

In our opinion . . . the hope that military surveillance would make a difference has proven to be overly optimistic . . . cocaine production has increased, the estimated flow into the United States is essentially undiminished, and cocaine remains affordable and available on American streets.

— Government Accountability Office,  
*Drug Control: Heavy Investment in Military  
Surveillance is Not Paying Off*

The purpose of this chapter is to analyze the effectiveness of military responses to Mexican DTO operations along the southwest border in light of the historical context provided in chapter 4. The chapter is organized into nine sections. Each section details a salient factor affecting domestic counterdrug MSCLEA that has become apparent during research. The author believes this chapter organization will be of greatest benefit to future researchers studying topics addressed in each section.

It is clear that unforeseen effects of early successes in the war on drugs elevated previously-insignificant Mexican DTOs to prominence as monopolistic suppliers to the world's largest illicit drug market, the U.S. These DTOs leverage the peculiarities of the U.S.-Mexico border to sustain a constant northward supply of drugs to U.S. consumers. The analysis below demonstrates that the implementation of NAFTA further complicated the already Herculean law enforcement border drug interdiction task. Vital economic interdependence between the U.S. and its second-largest trading partner trumps the nuisance of willful drug usage by a small percentage of the U.S. population. Operating within the narrow legal and geographical constraints of the border region, military forces supporting domestic drug interdiction are unable to effectively neutralize DTO critical capabilities. Military support is costly. Military doctrine and training for counterdrug

MSCLEA are inadequate. Under current constraints, the military support request process prohibits deliberately designed operations and timely response to law enforcement needs. Analysis within this chapter further demonstrates none of the missions most universally requested of the military by law enforcers for the war on drugs is inherently military; all could be accomplished by a properly-resourced law enforcement community.

### Drug War “Success”: A Series of Unintended Consequences

The story of the war on drugs is a cautionary tale of unintended consequences. With a constant, lucrative market for illicit drugs within the U.S., DTOs have continually found low-cost and low-technology responses to global law enforcement initiatives. Each effort at source country and in-transit interdiction has, to date, ironically complicated domestic interdiction by pulling DTOs ever closer to American borders and integrating their illicit trafficking into legitimate commerce. Occasional attempts to dismantle organizations and hierarchies have been successful. However, in each instance, more cellular and adaptive DTO networks have continued to supply U.S. drug consumers. These evolving organizations have become ever more intertwined with society.<sup>1</sup>

Public outrage at the adverse societal impacts of Turkish opium inspired the Nixon Administration’s initiation of the war on drugs.<sup>2</sup> In the 1970s, the Turkish government yielded to U.S. pressure to prohibit the production of opium within Turkey. This effort was successful and the volume of heroin flowing from Turkey, through Europe, to the U.S. dwindled. However, the U.S. drug market retained its insatiable appetite for heroin. Mexican production of heroin skyrocketed to meet the demand as Mexican DTOs profited from the opportunity afforded them by drug war successes overseas.<sup>3</sup> Moving heroin production from Turkey to Mexico reduced transit

vulnerability and cost. Heroin traffickers now enjoyed greater proximity to the U.S. market and were able to leverage an entrenched smuggling culture along the northern border of Mexico.

In the early 1980s, Mexican drugs flowing north into the U.S. market consisted primarily of marijuana and heroin. However, cocaine from the Andean Ridge countries of South America was becoming the drug of choice for U.S. addicts. Cocaine usage rates skyrocketed. The Reagan Administration renewed the war on drugs in 1986 and launched a coordinated effort to interdict Caribbean air and maritime cocaine smuggling routes from Colombia to southern Florida.<sup>4</sup> This effort represents the first significant employment of the U.S. military in drug interdiction. Military support in the air and on the open seas successfully disrupted the Caribbean route and forced two fundamental adaptations by smugglers. First, shipments of drugs that continued to transit the Caribbean to Florida became smaller, were dispersed among several vessels or aircraft, and were well-concealed—at times even built into the keels of vessels.<sup>5</sup> Second, and more vitally, Colombian cocaine cartels entered into a strategic partnership with the long-established smuggling networks of northern Mexico. Colombian producers paid a shipping and handling fee to Mexican couriers.<sup>6</sup>

This same period of intensified interdiction efforts drove smugglers specializing in marijuana transport to adapt their cultivation and transportation practices. Since marijuana can be grown inside the U.S., marijuana cultivation specialists simply moved their grow sites north of the border to private greenhouses and clandestine farms on public lands. Marijuana transportation specialists shifted from moving marijuana to



moving cocaine and heroin. Heroin and cocaine shipments are much smaller than marijuana shipments of the same value.<sup>7</sup>

Some drug war observers praised increased law enforcement and military efforts at air interdiction as meaningful indicators of counterdrug effectiveness. However, this shift of drug traffic from the Caribbean to Mexico was detected by astute drug war observers very quickly. In 1988, scholar Peter Reuter concluded that “Faced with increased interdiction on the direct Colombia–U.S. routes, smugglers have begun to transship through Mexico” and that “the Mexican border is probably the most vulnerable entry area [in the U.S.] for smuggling, whether by land or air.”<sup>8</sup> Peter Andreas adds:

the actual effect was to redirect rather than reduce the drug flow . . . road transportation through Mexico to the U.S. market became an integral component of the cocaine trade. The Mexican organizations that controlled smuggling along these routes were more than willing to sell their services—off-loading, storing, and smuggling—to Colombia’s cocaine exporters.<sup>9</sup>

Following the successful interdiction of Caribbean transit routes, U.S. diplomatic and military support efforts shifted to source-country interdiction in Colombia. During the Clinton Presidency, the Colombian Government, with the support of the rival Cali Cartel, decimated the hierarchical and centralized Medellin Cartel. The Cali Cartel was a loose confederacy of smaller cocaine trafficking organizations which benefited from Medellin’s demise.<sup>10</sup> In the late 1990s, Colombian authorities turned on their former ally of convenience and imprisoned the majority of Cali Cartel leadership. After the fall of the Cali Cartel, remaining Colombian DTOs consisted of a system of smaller, entrepreneurial specialized groups. Each of these groups concentrated on one aspect--processing, aggregating, moving, storing, or distributing--of cocaine trafficking. This decline in

organization among South American DTOs allowed the Mexican organizations to transition from a supporting to a dominating role in the cocaine trade.<sup>11</sup>

These Mexican DTOs used their extensive border knowledge and existing smuggling apparatus to circumvent U.S. interdiction efforts along the southwest border. From the early 1980s through the late 1990s, the percentage of cocaine entering the U.S. from Mexico rose from “negligible” to an estimated eighty percent.<sup>12</sup> In December 2008, the DEA estimated that more than ninety percent of all cocaine entering the U.S. entered from Mexico.<sup>13</sup>

Empirical and anecdotal evidence within drug war literature confirms Reuter’s belief. Military support to source country and transit zone interdiction effectively inspired a shift in DTO behavior. However, DTOs retained ample alternate routes for continued drug trafficking. In a Darwinian sense, the Colombian and Caribbean crackdowns improved DTO performance.

This drug war trend of unintended consequences should give pause to policy makers today. DTOs continue to enjoy various alternate routes to U.S. drug consumers. Potential success along the two-thousand-mile desert southwest border will likely drive DTOs to the three-thousand-mile forested U.S.-Canada border. Further interdiction successes at U.S. borders will likely drive DTOs to move drugs to Asian and European shipping terminals from whence drug shipments can be integrated into the many millions of shipping containers annually destined for U.S. ports. The overall theme of drug war efforts is that DTOs retain access to low-cost and low-technology alternate methods. Counterdrug MSCLEA successes at the southwest border will not change, but will simply

re-route, drug flow. So long as millions of U.S. citizens are willing to pay billions of dollars for drugs annually, DTO entrepreneurs will meet market demand.

### The DTO Fire Triangle and the Inability of MSCLEA to Attack It

Policy makers, law enforcement officials, and military leaders should decide on future counterdrug courses of action only after gaining a clear understanding of the capabilities required for enduring DTO operations. Such an assessment should prevent incitements to wasted efforts by well-intentioned but misguided proposed solutions.

### Fire Triangle Model

Required Mexican DTO capabilities are effectively modeled using the analogy of the familiar “fire triangle.” If any vertex of the triangle is removed, the fire (representing drug trafficking and its associated effects) will go out. Likewise, if counterdrug efforts curtail any one vertex, the intensity of the fire will be accordingly reduced. Continued DTO operations are dependent upon the simultaneous presence of each of the three vertices. First, DTOs must maintain sufficient resources to continue operations. The primary resource requirements are money from drug sale profits in the U.S., and weapons and specialized equipment to maintain their combat power advantage over law enforcement within Mexico. Second, DTOs must maintain adequate sanctuary. This sanctuary provides freedom of action to coordinate operations on the massive scale necessary to support U.S. drug demand. Third, DTOs must have sufficient manpower to collect, package, transport, protect, and distribute drugs. Most of these DTO capabilities represented in the fire triangle are not vulnerable to U.S. military supporting law enforcement efforts along the southwest U.S. border.

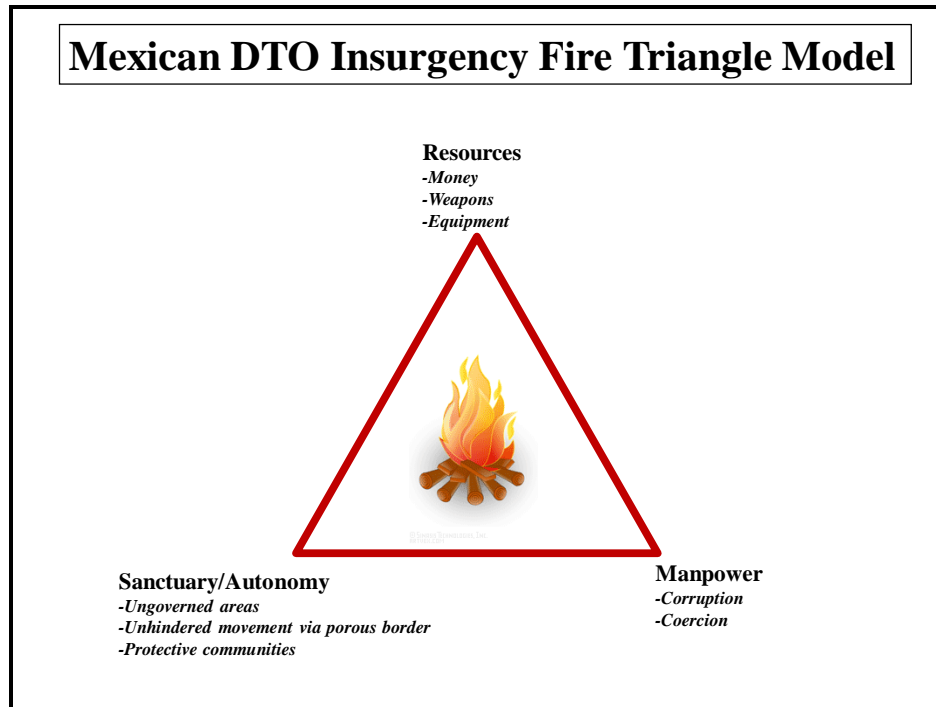


Figure 2. DTO Required Capabilities

Source: Created by author.

### Resources

To continue trafficking operations on their current scale, DTOs must retain access to three principle resources: money, weapons, and sophisticated equipment. Without these resources, DTO operations are inconceivable. A reduction in these resources will necessarily reduce the scale of DTO operations correspondingly.

Money is the primary enabler for continued DTO operations. Drug users within the U.S. provide traffickers with billions of dollars annually. With drug proceeds gained from sales in the U.S., DTOs are able to purchase the cooperation of corrupt officials in key positions within the U.S. and Mexico. Money also allows DTOs to purchase vehicles, guns, specialized military equipment, and other equipment essential to their success. The

National Drug Intelligence Center estimates that as much as \$39 billion in drug proceeds were successfully smuggled from the U.S. into Mexico in 2008.<sup>14</sup> This is over three percent of Mexico's overall GDP for the same year.<sup>15</sup> While this sum is tremendous, it is almost certainly low. Military intelligence observers of the war on drugs estimate the number to be "much, much higher."<sup>16</sup>

DTO gangs and private armies routinely outgun their law enforcement adversaries in Mexico. DTO enforcers and private armies within Mexico have access to a large quantities of sophisticated arms and military equipment.<sup>17</sup> After studying DTO tactical operations during a November 2008 visit to Mexico, General (Ret) Barry McCaffrey, former drug czar and the most decorated combat hero in the military at the time of his retirement, confirms these claims. He concludes that:

The outgunned Mexican law enforcement authorities face armed criminal attacks from platoon-sized units employing night vision goggles, electronic intercept collection, encrypted communications, fairly sophisticated information operations, sea-going submersibles, helicopters and modern transport aviation, automatic weapons, RPGs, anti-tank 66mm rockets, mines and booby traps, heavy machine guns, .50-cal sniper rifles, massive use of military hand grenades, and the most modern models of 40mm grenade machine guns.<sup>18</sup>

Though clearly in possession of such sophisticated weapons and equipment, DTOs confine their use of such items to Mexico. DTO leadership seems to understand that use of such violence within the U.S. would compel a swift and overwhelming U.S. law enforcement and military response. According to JTF-North and law enforcement observers, DTOs know that militarized violence north of the border would simply "be bad for business."<sup>19</sup>

## Manpower

In addition to significant resources, DTOs also require pools of manpower to perform various drug production, processing, transportation, protection, and distribution tasks. Acquiescence from the populations of Mexico and the U.S. is a fundamental requirement. DTOs successfully recruit and maintain employees with specialized skills or positions of authority such as U.S. lawyers and sheriffs and Mexican government officials, assassins, and military leaders. They also maintain general compliance from the civilian population in their sanctuary regions. DTOs employ a masterful balance of corruption for financial gain and coercion through intimidation and murder to achieve such high levels of manpower support. This balance is known as “*plata o plomo.*” *Plata o plomo* literally translates to “silver or lead.” In implementation, a Mexican citizen is approached by a DTO member and offered a bribe to aid drug trafficking operations. If the bribe is not readily accepted, the citizen is immediately assassinated and the DTO member makes that same offer to another.

This is basically an extreme form of carrot and stick persuasion. The method is successful because the carrot is very enticing and the stick is very much feared. The bribery is enticing due to the tremendous sums of money offered; bribery sums are routinely many times the annual salary of the person bribed. The stick is intimidating because the threat of force by the DTOs is absolutely credible and because there is no government agency available to secure the citizen.<sup>20</sup> Citizens in remote areas simply have no alternative source of protection. DTO recruiters and enforcers are literally making these people “an offer they can’t refuse” by forcing them to instantly choose between a brutal death or a lavish lifestyle.<sup>21</sup>

Collectively and individually, the major DTOs have employed corruption to penetrate Mexico's military, judiciary, law enforcement, and other institutions of significance. They have even penetrated the American drug enforcement administration (DEA) office in Mexico City, Texas law enforcement, customs, and the U.S. Marshalls.

In January of 1997, drug war progress appeared imminent. General Barry McCaffrey, the U.S. drug czar, stood proudly before a crowd of reporters in Washington, D. C. arm in arm with Mexican General Jesus Gutierrez Rebollo, the head of Mexico's National Institute to Combat Drugs. In this position, Rebollo was McCaffrey's counterpart responsible for directing Mexico's war on drugs. General McCaffrey proudly announced to the world that General Rebollo was a man of "absolute, unquestioned integrity."<sup>22</sup> Less than a month later, Gutierrez was arrested after being interrogated by Mexican Defense Secretary Enrique Cervantes Aguirre about his extravagant living standards and his close relationship with Amado Carillo Fuentes, then considered by the DEA to be the most powerful drug dealer in Mexico. Gutierrez had secretly aided the Carillo cartel for over seven years. He had been taking cash and real estate in return for using his position to protect cocaine shipments.<sup>23</sup>

Like their Mexican counterparts, U.S. officials are not impervious to the corrupting influence of drug wealth. An employee at the DEA office of the American Embassy in Mexico City was arrested and discovered to be an agent of the Sinaloa Cartel. He had been recruited to act as an informant for \$450,000.<sup>24</sup> The apparent murder of disgraced U.S. Deputy Marshal Vincent Bustamante by DTO enforcers in Juarez in late March of 2009 is suspected to be linked to his corrupt involvement with DTOs in Mexico's most violent city. At the time of his death, Bustamante was wanted by U.S.

authorities for weapons theft.<sup>25</sup> In October, 2008, Sheriff Reymundo Guerra of Starr County, Texas was arrested for smuggling drugs through his Texas border county for Mexican DTOs. In exchange for an unknown sum of money over an undetermined time period, Sheriff Guerra ensured the safe passage of Gulf Cartel drugs through Starr County and also disclosed the names of confidential informants to cartel leadership. He pled guilty at his trial on 1 May 2009.<sup>26</sup>

In addition to previously mentioned sources of corrupt manpower that enable DTO success, many smaller facilitators supply ample manpower for small tasks. American Customs and Border Protection agents may be offered significant sums of money to let specific vehicles pass through unsearched. American teens will succumb to financial incentive to carry one bundle of cocaine across a checkpoint to pay for a college education. American dual-citizen gang members are likely to be willing to legally cross the border to commit minor tasks or acts of violence for money and prestige.<sup>27</sup> Corruption and coercion are clearly key requirements for DTO operations. However, U.S. military forces providing domestic MSCLEA are unable to address them. U.S. military forces are prohibited from operating in Mexico and from investigating crimes within the U.S.

### Sanctuary

DTO sanctuary is closely integrated with, and facilitated by the manpower support mentioned above. DTOs manipulate the historical black markets and poorly governed areas within northern Mexico to retain autonomy in key drug trafficking regions. In the U.S., DTOs enjoy obscurity among the millions of American citizens of Mexican origin and undocumented immigrants dispersed throughout every U.S. state. The cumulative effect of long-standing, entrenched black market enterprises in northern



Mexico and a culture of lawlessness in these remote areas is a cultural inclination to support smuggling within the Mexican border region.

Within the U.S. homeland, Mexican DTOs leverage an immense fifth column<sup>28</sup> among the largely undocumented immigrant communities living and working within hundreds of U.S. cities. Within immigrant communities, DTO messengers, distributors, and enforcers are able to seek passive and active support among their countrymen. The number of U.S. municipalities reporting a presence of Mexican DTO drug distribution networks has increased steadily every year since record keeping began. As of 2008, entrenched DTO operations have been reported in 235 American cities. This figure is up from only 81 cities reported in 2006.<sup>29</sup> See Figure 2.

The city of Atlanta can be taken as a case example of one affected American urban center. In March 2008, the National Drug Intelligence Center analyzed that competing Mexican Cartels were establishing their primary distribution hub for the east coast drug market in Atlanta. That same year, the DEA reported that more drug proceeds were seized by law enforcement in Atlanta--more than \$70 million--than in any other U.S. municipality.<sup>30</sup> According to the Atlanta U.S. attorney, the principle reason Mexican DTOs are concentrating operations in Atlanta is the areas exploding Hispanic community. Most of this drug activity is concentrated in the suburban Gwinnett County whose Hispanic community grew in population from 8,470 in 1990 to 64,137 in 2000, nearly an eight-fold increase in a decade. The head of Atlanta's DEA office, Rodney Benson agrees stating: "You see Mexican drug-trafficking operations deploying representatives to hide within these communities in plain sight. They were attempting to

blend into the same communities as those who were hard-working, law-abiding people.”<sup>31</sup>

Increasingly, Mexican DTOs are enhancing their presence and permanence within the U.S. homeland. DTO growers are increasing the quantity of marijuana grown for distribution within the U.S. Much of this marijuana is moving into indoor hydroponic production facilities that allow for increased potency combined with improved physical security.<sup>32</sup> Such expansions of DTO operations into the U.S. deny the U.S. military an opportunity to interdict trafficking activities.

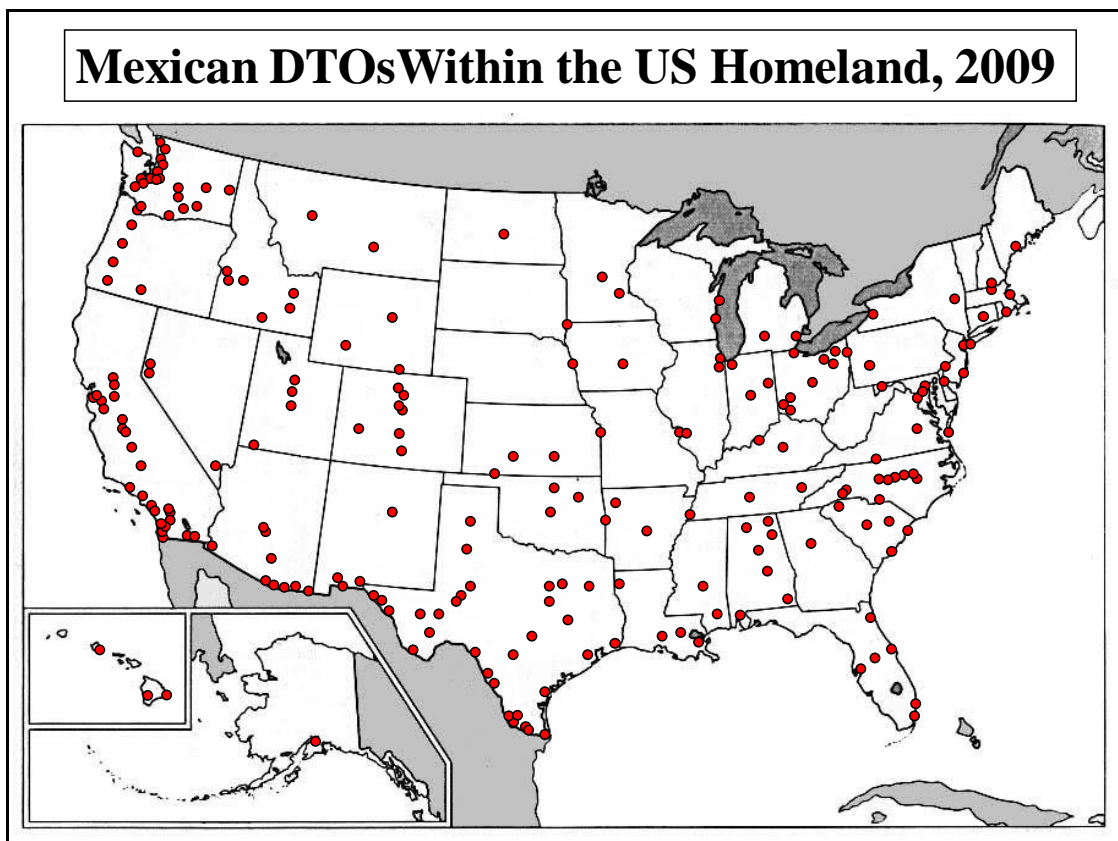


Figure 3. Mexican DTO Operations within the U.S.

Source: U.S. Department of Justice, National Drug Intelligence Center, *National Drug Threat Assessment 2009* (December 2008), <http://www.usdoj.gov/ndic/pubs31/31379/dlinks.htm#Map5> (accessed 10 August 2009).

To conduct operations, DTOs exploit the porous international border and the democratic free societies and cultural norms of both nations. DTO leaders have been able to cross the border repeatedly though their identities are known. Leaders of a prominent cartel in Tijuana were able to avoid apprehension for years despite open knowledge by law enforcement of their identities and law enforcement possession of their photographs. The brothers were “regularly spotted in San Diego—brunching in Coronado or shopping for suits in La Jolla.”<sup>33</sup> These DTO bosses continued crossing the border despite being international fugitives.

DTOs recruit Americans who possess dual U.S.-Mexican citizenship. Such employees are able to legally cross the border in either direction. This ease of movement of personnel allows DTO leadership to move information across the border in a manner that is completely undetectable to any sensor or customs inspector. The dual citizen messenger receives detailed messages and instructions for DTO members on one side of the border from his leadership, crosses in a legal and overt manner, and then delivers his message in secrecy to DTO leadership at his destination.<sup>34</sup>

Due to prohibitions against violating the sovereignty of Mexican national territory and domestic restrictions of the *Posse Comitatus* Act, military forces participating in domestic counterdrug MSCLEA are unable to deprive DTOs of any vertex of the DTO fire triangle. Volunteer military units coordinated through JTF-North to support law enforcement are unable to stop wire transfers of money returning to DTO bosses in Mexico. Though DTOs possess and employ military weapons and equipment, they confine such capabilities to Mexican territory where they are impervious to U.S. law enforcement and military units. U.S. forces are likewise unable to address areas of

sanctuary in northern Mexico and cannot restrict legal movement and commerce across the border at ports of entry. Military forces focus on rural areas between official ports of entry. These remote areas are the only areas in which military capabilities can be effectively applied to interdiction efforts. However, the DEA has repeatedly estimated that the vast majority of illicit drug traffic does not cross the border in these remote areas, but at commercial ports of entry hidden in the massive volume of legitimate daily commerce. The DEA estimated in 1990 that the overwhelming majority of the heroin and cocaine entering the U.S. came through commercial points of entry hidden among legitimate commerce or the personal belongings of individuals.<sup>35</sup>

### The Self-Inflicted Wound of NAFTA

The relationship of NAFTA and the war on drugs is essentially a matter of competing national interests. Cross-border commercial exchange requires a tremendous, uninterrupted flow of materials into the U.S. Since NAFTA's enactment, the value of cross-border trade increased from "\$89.5 billion in 1993 to \$275.3 billion in 2004."<sup>36</sup> Effective drug interdiction requires the management and detailed inspection of that same traffic. Increased delays for inspection of northbound cargo damages economic partnership and limits growth and interdependence; relaxed cargo inspections allow easy access for DTOs to shovel drugs to U.S. addicts and recreational users.

Overall, drug interdiction efforts in the 1980s did little more than inspire effective DTO adaptation. According to Peter Andreas, "law enforcement initiatives not only pushed cocaine smuggling from the Southeast to the Southwest but also pushed it from the air to the ground. Smugglers have adapted by increasingly hiding their drug shipments within the rising volume of commercial trucks, railcars, and passenger vehicles

crossing the border.”<sup>37</sup> While drug interdiction efforts in the Caribbean were forcing drugs into Mexico and limiting smuggler options, NAFTA eased the difficulties of drug smuggling.

Andreas believes that the dramatic rise in efforts to curb drug smuggling across the border in the 1990s resulted directly from the desire to increase economic interdependence and free trade in the NAFTA era. He states, “The persistent failings and perverse and unintended consequences of the antidrug campaign . . . made managing the border and bilateral relations over the drug issue increasingly awkward and difficult in the post-NAFTA era. And these problems, in turn, reinforced the pressure to escalate.”<sup>38</sup>

Law enforcement officials were fully aware of the vulnerabilities NAFTA would create for drug interdiction efforts. According to Andreas, “[c]oncern the smugglers might benefit from NAFTA was deliberately not discussed during the negotiations over free-trade in the early 1990s.”<sup>39</sup> Thus, law enforcement officials were under pressure to remain silent on the subject of the adverse effects of NAFTA to border security during congressional debates on the free trade agreement in 1993.<sup>40</sup>

While U.S. drug enforcement officials were remaining silent on the adverse effects of NAFTA, entrepreneurial Mexican DTOs were preparing to capitalize on the treaty’s opportunities. DTOs were “establishing factories, warehouses, and trucking companies as fronts in anticipation of the expected boom in cross-border commerce.”<sup>41</sup> Observers in Washington anticipated this obvious opportunity for DTOs. A September 1993, GAO report summed up the situation: “The problem is detecting which of these conveyances are transporting illegal drugs, without unduly impeding commerce. . . . An

increased flow of commercial traffic under the proposed North American Free Trade Agreement can only be expected to exacerbate the problem.”<sup>42</sup>

As expected, NAFTA dramatically simplified overland drug smuggling across the southwest border. Indeed, not only did this boom in border commerce come to fruition, but it created significant opportunity for DTO exploitation. According to a senior border patrol sector chief who has been working the border since the mid-1980s, the increased volume of commercial traffic immediately compounded the problem of detecting drug shipments. As he put it, “same needle, more haystack.”<sup>43</sup> Another observer confirmed that “smugglers increasingly turned to camouflaging their illicit shipments within the growing volume of commercial cargo.”<sup>44</sup> The value of trade crossing the southwest border increased threefold in NAFTA’s first six years. In 1993, the final pre-NAFTA year, the value of cross border commerce was \$81 billion. In 2000, it was \$247 billion.<sup>45</sup>

The sheer volume of border crossings prohibits detailed, intrusive inspections by customs agents at points of entry. In 1997, an estimated one million trucks crossed into the U.S. from Mexico at Laredo, Texas--one of thirty-nine ports of entry along the southwest border.<sup>46</sup> Assuming an unlikely uniform distribution of constant, round-the-clock flow of trucks over every day of the year, this rate averages one hundred fourteen trucks per hour through Laredo’s twelve northbound lanes. These numbers do not account for tourists, cross-border commuters, and others in non-commercial conveyance passing through ports of entry every day.<sup>47</sup>

One pre-NAFTA historical case study is particularly illustrative of the tension between commerce with the U.S.’s second largest trading partner and drug interdiction at the border. On 21 September 1969, President Nixon’s Administration launched Operation

Intercept which subjected every vehicle coming into the U.S. from Mexico to an inspection. Commerce ground to a halt. Lines formed. Fruit shipments rotted. Public outrage at the resulting inconvenience and economic devastation forced the administration to resume normal border crossing procedures. Operation Intercept officially ended on 10 October, after only nineteen days.<sup>48</sup>

The exponentially-increased volume of cross border commerce under NAFTA makes any similar endeavor today even more inconceivable. As an immediate response to the terrorist attacks on the U.S. homeland of 11 September 2001, the southwest border was effectively shut down and every vehicle crossing into the U.S. was stopped and thoroughly inspected. This disrupted the ninety percent of total Mexican trade that crosses into the U.S. According to one scholar, “the resulting traffic jams and other border delays sent shockwaves through the local economies on both sides of the border.”<sup>49</sup>

To ease wait times, customs inspectors began a “Line Release” program in which inspectors allow pre-approved trucks to pass through the border without inspection. One Congresswoman appropriately referred to this practice as a “superhighway for smugglers.” Customs inspectors legally waved through the border an estimated 2.7 million vehicles in NAFTA’s first year.<sup>50</sup> Considering the fact that DTOs anticipated NAFTA by establishing front companies within the northern Mexican shipping industry, it is logical to infer that smugglers were prepared to insert drugs into the shipments of otherwise legitimate goods. Given the massive corruption plaguing Mexican law enforcement and municipal governments, it is logical to assume that DTO shipments are capable of securing pre-approval for the “Line Release” program.

The implementation of NAFTA brought about increased economic interdependence between the U.S. and Mexico. The treaty increased the volume of cross-border trade while lowering restrictions on shipments. Though beneficial to trade, the treaty impeded border drug interdiction.

### Military Support is Excessively Costly

Military assets are designed and procured specifically for the demands of combat against enemy military platforms. Some military assets, such as rotary wing transport and lower-end unmanned aerial vehicles are relatively inexpensive and within the potential budgetary reach of federal law enforcement. Other assets, particularly large multi-role aircraft and naval vessels, are costly to man, operate, and maintain. After studying military platform cost effectiveness, the GAO concluded that “military surveillance is inherently expensive. This is especially true when costly, high-technology systems designed to detect and control highly sophisticated weapon systems in combat situations are employed against the smuggling threat.”<sup>51</sup>

The most extreme example encountered by the author during research was that of a Navy fast attack submarine tasked with a Caribbean electronic intercept MSCLEA mission in the mid-1990s. Los Angeles class nuclear submarines cost approximately \$900 million per unit, have a crew of one hundred twenty-nine Sailors each with over two years of extensive training to operate the nuclear propulsion plant, and carry an annual operating cost of approximately \$21 million. These submarines were designed to hunt and destroy Soviet surface and submarine shipping.<sup>52</sup> While commander of U.S. Southern Command, General McCaffrey had a Los Angeles class attack submarine assigned to his area of operations for an extended period. The submarine was tasked to trail a wire on the



surface and intercept radio communications in an attempt to discern potential DTO intentions. General McCaffrey characterizes this event as “asinine.”<sup>53</sup>

In the late summer of 2009, JTF-North coordinated and funded a Marine medium lift helicopter squadron to support marijuana interdiction and eradication of grow sites in the state of Oregon. JTF-North funding helped deploy a detachment of reserve Marine helicopters to Oregon, pay for the cost of housing the Marines and for operating and fueling the aircraft. After one week of flying operations, Marines and law enforcement officials identified a single marijuana grow site of one hundred fifty plants. Law enforcement officials on the ground destroyed the plants. Upon hearing of the successful mission, a senior JTF-North official commented “that’s nothing, one hundred and fifty plants is insignificant. When I was out there visiting, the sheriff told me they won’t even arrest a grower for less than a thousand plants; it’s just not worth their time.”<sup>54</sup>

This instance illustrates the futility and lack of unified national resolve in the war on drugs. Military forces deployed from their base to an alternate location and flew hundreds of flight hours in a mission profile that was not their primary competency; the primary mission of Marine CH-46 medium lift helicopters is vertical envelopment of personnel and then sustainment of those personnel once inserted. Marine medium lift helicopters are seldom used as observation platforms.<sup>55</sup> While the pilots and crews of these aircraft were logging flight hours, they were not training for their primary mission. JTF-North paid to deploy this squadron from its home station, to lodge and feed the Marines, and to fuel the aircraft. After these helicopters had flown non-mission-oriented flights for a week, they found an insignificant amount of marijuana that resulted in no arrests.

### Clapping With One Hand: Surveillance Without Apprehension

The primary focus of congressional pressures for military surveillance in the late 1980s was to provide detection of clandestine DTO movements to law enforcement officials. In keeping with *Posse Comitatus* restrictions, law enforcement officials would be able to capitalize on information from the military by pursuing and intercepting identified suspicious aircraft, vehicles, and maritime vessels. Successful interdiction of smugglers is a three step process. First, potential smugglers must be detected. Second, the potential smuggler must be distinguished from legitimate traffic as a suspicious craft or individual worthy of investigation. If smuggled shipments are successfully disguised as commerce, they are not investigated further. Finally, the identified suspicious craft or individual must be intercepted and searched. Each of these steps is necessary for successful drug interdiction. Each step must follow its predecessor. Since military forces are legally prohibited from apprehension, law enforcers must conduct the final intercept and pursuit step. To simply become aware of DTO movements across the border through military surveillance capabilities but fail to appropriately resource a law enforcement response is pointless. In a sense, identifying a likely drug shipment but failing to intercept and search it is analogous to attempting to clap with one hand.

When congressional calls to use military surveillance aircraft, naval vessels, and ground sensors were implemented, the problem of “flooding” immediately became apparent. Flooding is a phenomenon in which military surveillance aircraft, naval vessels, and observation posts identify and report more potential targets than law enforcement pursuit teams can possibly intercept. Military surveillance assets are sufficiently sensitive to identify vessels or individuals who might potentially be carrying drugs, but have no

means to determine the probability of a drug shipment with a given contact. Thus, law enforcement pursuit agents move from a lack of awareness of potential smugglers to overstimulation.

Within counterdrug literature, Peter Reuter et. al. first documented this phenomenon in 1988. Surveillance aircraft operating MSCLEA missions from 1985 to 1986 identified excessive targets as possible drug smugglers. Law enforcement pursuit and intercept aircraft expended available flight hours, crew day, and budget early in the missions resulting in surveillance crews futilely reporting and documenting possible smugglers for the remainder of mission duration. Congressional research revealed that military surveillance flights in 1985 operated for 1,308 hours at an estimated cost of \$13 million and resulted in only five drug seizures.<sup>56</sup>

Chief Vitiello of the Rio Grande Valley border sector of south Texas confirms that flooding of pursuit resources by military surveillance assets remained a problem for law enforcers in 2009. The chief continues to experience excessive identification of potential smugglers by military surveillance during interagency air, maritime, and land operations. He attributes the cause of the flooding problem to the fact that supporting military surveillance assets rotate into and out of his area of operations on short intervals. Military personnel who are unfamiliar with the baseline level of activity within the sector cannot discern atypical events. Without sufficient counterdrug experience required to develop judgment, military observers tend to report all contacts that could possibly be drug shipments. Chief Vitiello achieves better results when he is able to place his experienced law enforcement personnel into the supporting military surveillance

platform.<sup>57</sup> In essence, this action transfers the surveillance asset from a military asset to a DHS asset.

### Military Support Request Process Prohibits Op Design

By law, JTF-North is constrained to support law enforcement solely with voluntary military forces.<sup>58</sup> Because of this restriction, neither law enforcement nor JTF-North planners are able to predict the composition and preparedness of eventual military support units. JTF-North's advertising to military units emphasizes that "flexibility in mission execution dates allows units to integrate the JTF North missions into their pre-deployment training cycles."<sup>59</sup> This reasoning essentially diverts focus away from mission accomplishment. Due to the congressional limitation for voluntary counterdrug MSCLEA, military support is driven by military appetite and not by drug control strategy.

Since neither DHS and DOJ agencies responsible for counterdrug operations nor JTF-North responsible for coordinating military support can task military participants, military counterdrug support is unpredictable. Over time, this lack of predictability resulted in a trend among law enforcement agencies to request blanket support. Since law enforcement agencies do not know when or if their requests will be filled, they ask for more support than they need hoping that some portion of their requests will be filled. Likewise, since agencies are unable to rely on support, they cannot integrate MSCLEA into their plans until notified of pending support.<sup>60</sup>

This situation is completely at odds with deliberate operational design as defined in current and developing U.S. Army doctrine.<sup>61</sup> Tactical tasks assigned to supporting military units are not purposefully created in accordance with the strategic envisioned

endstate of the war on drugs. The operational design process as defined in military doctrine is broken because design formulation is impossible unless the commander of the counterdrug effort is able to decide upon his operational approach, consider defeat and stability mechanisms, and identify and decisive points defined by space and time. Simply put, without control over military forces, it is impossible for drug war leadership to synergize counterdrug MSCLEA activities by time, space, and purpose.

#### Lack of Military Doctrine And Expertise

The U.S. military has a solitary doctrinal manual on the subject of border interdiction. FM 31-55, *Border Security/Anti-Infiltration Operations* was created during the Vietnam War and never updated. This volume is obsolete and out of current use. The entire 2004 U.S. multi-service counterinsurgency manual FM 3-24, *Counterinsurgency* contains only two sentences mentioning border security.<sup>62</sup> It is interesting that agencies tasked with border security and drug interdiction have continued to rely on military assistance on these subjects for the past twenty years.

After analyzing every detail of the Esequiel Hernandez shooting incident of 20 May 1997, Marine Major General John Coyne, concluded that military training is incompatible with law enforcement objectives noting that “basic Marine Corps combat training instills an aggressive spirit.”<sup>63</sup> General McCaffrey emphasizes the same point. Decorated for valor on multiple occasions, commanding a geographical combatant command, directing national drug control policy, and consulting to law enforcement and homeland security groups, he benefits from a very informed perspective. General McCaffrey stated that he has seldom met a law enforcement officer who has drawn his weapon in the line of duty and almost never met one who has fired his weapon on duty.

He believes it takes five years to train a law enforcement officer to appropriately tailor his responses to situations among the populace. He further stated that law enforcement officers are conditioned to view duty shootings as failures. Peace officers receive mandatory counseling after a shooting event. In contrast, the general stressed that military training for violence aims to lower a soldier's inhibitions and enable him to carry out his violent duties in a combat environment. In his words, "that young Marine out there on patrol is dreaming about Tarawa; He's hoping to be in a fight and to test himself."<sup>64</sup> Timothy Dunn also cautions against this "inappropriate use of military troops against nonmilitary threats (more properly, social problems)" believing that the Hernandez shooting "illustrates the danger bound up in [using military troops for] border enforcement because they are trained to respond with deadly force to perceived threats regardless of the objective situation."<sup>65</sup>

This contrast between training techniques for combat and law enforcement techniques became apparent after military forces coordinated through JTF-6 supervised medical and communications training for agents from the Bureau of Alcohol, Tobacco, and Firearms (ATF) prior to the 1993 assault on the Branch Davidian compound in Waco, Texas. The ATF originally requested and was granted an urban assault training package, but a wary active duty officer successfully avoided its implementation. However, Army officers did oversee the preparation of instruction on urban assault given by the ATF at an urban complex at Fort Hood, Texas. ATF raid organizers were able to secure training support from JTF-6 by deceptively stating that their raid was linked to drug trafficking; it was not.<sup>66</sup>

Nevertheless, ATF agents conducted a military-style urban assault as rehearsed at the Fort Hood complex. The militarized violence of the raid caused Davidians to perceive an apocalyptic assault and to respond with lethal violence. The ensuing firefight resulted in the single greatest loss of life in ATF history with four agents killed. Six Davidians died during the fire fight.<sup>67</sup>

The U.S. military lacks doctrine on border security and border interdiction. While this doctrinal shortfall is unacceptable, it is understandable since the military is not primarily responsible for either of these tasks. The U.S. military operates with very different constraints on the use of lethal force than those of domestic law enforcement agencies. Domestic law enforcement restraints of lethal force are necessarily incompatible with the requirements of expeditionary military operations. This is appropriate since laws, policies, and customs prohibit the U.S. military from domestic military operations. U.S. forces are designed for overseas force projection and sustained combat operations. It is unreasonable to expect military units to transition to domestic law enforcement support operations without extensive retraining. Such retraining would likely confuse soldiers and hinder combat performance.

#### Military Support is Wrong Tool for the Job

Give a man a fish, feed him for a day. Teach a man to fish, feed him for a lifetime.

— Lao Tzu

The military is neither designed nor trained to conduct domestic counterdrug MSCLEA. Law enforcement agencies who request MSCLEA from JTF-North overwhelmingly request five specific forms of support. U.S. military forces possess each of these capabilities. However, none of them is required to be specific to military forces.

### **Military Support Capabilities Most Frequently Requested by Law Enforcement for MSCLEA**

1. Engineering support to construct barriers, roads, and structures
2. Aviation equipped with thermal optics
3. Remote ground sensors
4. Rotary wing aviation transport
5. Ground based surface and air search radars

Figure 4. Military Support Most Frequently Requested by Law Enforcement  
*Source:* Melendez, interview; Vitiello, interview; and Brown, Interview. All three experts unanimously agreed that these capabilities were considered the most necessary by law enforcement officials and were the most frequently requested.

While the military is capable in all of these areas, not one of them is inherently a military function. Border patrol sector chiefs rely heavily on volunteer military units for road, barrier, and structural construction.<sup>68</sup> Yet civilian agencies and contractors build roads, fences, and buildings across the U.S. every day. U.S. Border Patrol Sector Chief Vitiello, who relies upon military engineers, has used civilian contractor support in the past. The quality of contract engineering exceeded standards and he deemed the contractors to be well qualified. However, bureaucratic procedural hurdles within DHS slowed the process, contractors are not free labor, and the chief found it more difficult to



coordinate with the contractors than with military units. Chief Vitiello prefers military engineering support over contracting because military support makes his work easier.<sup>69</sup>

While it is pragmatic to use voluntary military units to avoid bureaucratic hurdles and budget shortfalls in the short term, it is also irresponsible to avoid enacting a solution to chronic, systemic problems. Border security professionals anticipate an enduring requirement for engineering projects along the southwest border; such projects have been uniformly deemed necessary since at least the founding of JTF-6 in 1990. At this point, it is irresponsible to rely on ad hoc solutions. Difficulty in coordination and inefficient contracting procedures are insufficient excuses for a cabinet level department such as DHS to rely on DOD to meet homeland security construction requirements. DHS should be competent at contracting construction to meet the operational requirements of border patrol sector chiefs like Chief Vitiello. It may even be cost-effective for DHS to acquire permanent engineering assets and employees to create an enduring border security engineering unit within the department. DHS would have authority to schedule and prioritize such an engineering unit to meet border construction needs in response to tactical needs of law enforcement personnel in the field rather than waiting to see which military engineering units volunteer during the annual request process.

This same concept of equipping law enforcement professionals to fish rather than giving them a fish applies to aviation support. The two most frequently occurring aviation requests made to JTF-North are aviation equipped with thermal optics and rotary wing transport. The military does not have a monopoly on aviation technology. State and municipal law enforcement agencies, medical service providers, television stations, and executive shuttle services all conduct daily helicopter operations within the U.S.

Within DHS, the Coast Guard and the U.S. Border Patrol both operate fleets of rotary and fixed wing aircraft. The Border Patrol had two helicopters along the southwest border in 1980; by 1992, the agency had fifty-eight helicopters and forty-three fixed-wing aircraft on the border. These fleets are even larger today.<sup>70</sup> There is no legal prohibition on the acquisition of unmanned aerial vehicles (UAVs) or sensor pods by DHS or law enforcers. If helicopter lift and airborne sensors are indeed critical capabilities for drug interdiction and border security, DHS, DOJ, and other law enforcement agencies responsible for these missions should have helicopters and UAVs equipped with necessary sensors.<sup>71</sup>

Like engineering and aviation assets, remote ground sensors are not required to be acquired and operated by military forces. Indeed, under the Secure Border Initiative (SBI) Congress requires that DHS complete an integrated system of border security barriers, remote sensors, and cameras to enhance border security. The cameras and sensors involved in this SBInet will belong to DHS. The Secure Fence Act of 2006 requires the secretary of homeland security to “to construct not less than 700 miles of reinforced fencing . . . and to provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.”<sup>72</sup> According to USBP Chief Fernando Melendez, DHS has sensors but continues to request sensor support from the military due to a perceived need for additional sensors among border security professionals and because the military is offering to continue providing them.<sup>73</sup>

Law enforcement requests for surface and air search radars follow the same trend as requests for engineering, aviation, and ground sensor assets. Many of the radar

missions supported by JTF-North do not use military radars. In several instances, JTF-North simply rents the use of commercial surface search radars from civilian industry with money from the JTF support budget.<sup>74</sup> Air search radars are also commercially available. Instrumented airports across the U.S. are equipped with radars. The Federal Aviation Administration operates a national network of radars capable of tracking smuggler aircraft.<sup>75</sup> Civilian aviation radars capable of tracking small planes for law enforcement are likely to be less expensive to procure and maintain than deployable military radars designed for battlefield conditions and use against low observable military threat aircraft. This begs scrutiny. If the assets being employed in support of law enforcement drug interdiction missions are available from industry and are currently rented by JTF-North, why would DHS, DOJ, and other supported departments be unable to contract the same support if properly funded?

Each of the most requested MSCLEA military support functions could be performed equally well by a properly-resourced civilian law enforcement and homeland security community. These capabilities have been in perpetual high demand by law enforcement agencies since the establishment of JTF-6 in 1990. Supporting military units are only available for short durations and are not situationally aware of the unique aspects of border interdiction in a given sector. Rotating units are unable to develop the same intimate knowledge of the terrain, civil populations, and baseline activities as are permanent law enforcers. Law enforcement agencies would likely be much more effective if they were permanently resourced with these capabilities.

This clear trend of continual reliance on temporary support by military forces for capabilities that border law enforcement agencies uniformly believe they require fosters

dependency on military forces for border drug interdiction and border security. There is no definition of border security in U.S. military doctrine.<sup>76</sup> Neither drug interdiction nor border security is a mission currently assigned to the military. Both are assigned to the law enforcement agencies and DHS which are habitually supported by JTF-North. Perhaps it is time to consider resourcing DHS and domestic law enforcement agencies with sufficient organic engineering, aviation, and sensor capabilities.

### The Misguided Argument For Training Value

The most consistent and frequently encountered argument for continued domestic counterdrug MSCLEA encountered by the author during research is that military forces supporting law enforcement requests receive valuable training that is relevant to overseas contingency operations. The deputy commander of JTF-North, Marine Colonel John Mayer emphasized training value for participating units repeatedly throughout his oral history interview with the author.<sup>77</sup> This same argument permeates JTF-North's information pamphlets which are distributed to military units and posted to the JTF website. Under the heading "Military Training Opportunities," JTF-North promises "significant real world training opportunities that enhance . . . combat effectiveness against a thinking, moving, and reacting threat. Volunteer units typically train in 90% of their wartime mission tasks."<sup>78</sup>

While this argument is appealing, the author respectfully concludes that it appears to be both spurious and dangerous. The National Defense Authorization Act of 1989 required that all counterdrug MSCLEA possess training value to participating military forces. Justifications for many operations are tenuous at best.

Recall the Marine helicopter squadron mentioned previously. Marine troop transport helicopters fill the combat mission of vertical envelopment of assault troops and sustainment of those troops once inserted. The doctrinal missions assigned to the CH-46 helicopter are assault troop transport, cargo transport, casualty evacuation, and tactical recovery of aircraft and personnel.<sup>79</sup> The missions flown by the helicopters during searches for drug cultivation sites consisted of basic flight operations for the pilots and crew. The pilots and crew conducted flight operations and logged flight hours. However, acting simply as an observation platform for law enforcement observers is not a combat mission of Marine Corps aviation. Flying around looking out the windows of the aircraft is significantly unlike planning and executing the combat insertion and subsequent sustainment of assault troops, casualty evacuation, and tactical recovery operations.

This lack of mission essential crew training for aviation crews in MSCLEA is not new. In 1993, the Government Accountability Office determined that flying hours for Air Force and Navy surveillance in support of counterdrug operations held little training value. In their report, GAO researchers revealed that the flights were of so little training value to combat system operators that those crew members stopped participating in counterdrug flights. The Air Force eventually created separate counterdrug aircrews consisting of fourteen members instead of the combat complement of twenty-three. The Navy determined that surveillance air crews only received training in thirteen percent of primary mission tasks.<sup>80</sup> Clearly, MSCLEA training opportunities did not hone combat skills.

Corporal Manuel Banuelos was an artillery observer with no advanced covert observation training when he shot and killed Esequiel Hernandez in May 1997. The other

members of Banuelos' team during the shooting had military occupational specialties of wrecker operator, radio operator, and motor vehicle operator. None had been trained on listening post duties since Marine combat training as privates.<sup>81</sup> None of their jobs required manning covert observation posts. Marine Major General John Coyne, in his investigation report on the incident is critical of the fact that the 11th Marine Regiment selected the headquarters battery to conduct the JTF-6 support mission because the battery did not have equal deployment opportunities with the firing batteries. Major General Coyne is also critical of the JTF-6 justification to the secretary of defense that the observation mission provided a beneficial readiness training opportunity for the Marines.<sup>82</sup>

According to General McCaffrey, military troops supporting U.S. Immigration and Customs Enforcement (ICE) agents at border ports of entry routinely aid in the unloading and inspection of cargo trucks entering the U.S. He states that these troops are in constant demand.<sup>83</sup> Essentially, troops providing manpower to carry cargo off and onto trailers in support of customs inspectors are nothing more than free labor. It is difficult to justify military support on the rationale that moving boxes is quality combat training. On the whole, all of these examples of ineffective training during MSCLEA operations are instructive. They reveal that--though sincere and well-intentioned--the justification of continued MSCLEA as a valuable training opportunity is a tired and tenuous rationale.

### Summary

January 2010 marks twenty years of continuous counterdrug MSCLEA operations by JTF-North along the U.S.-Mexico border. During that twenty year period, Mexican DTOs emerged and became the dominant suppliers of U.S. illicit drug supplies.

Voluntary military units completed thousands of counterdrug MSCLEA support missions. NAFTA complicated drug enforcement efforts and eased DTO evasion of domestic military contributions to the war on drugs. The U.S. government created a new cabinet department for homeland security and removed all mention of drugs from the JTF-North mission statement. Law enforcement agencies tasked with domestic drug interdiction await unpredictable military support to accomplish non-military tasks. All the while, illicit drug traffic continues to cross the southwest border at ports of entry within the tremendous volume of daily commercial trade. Counterdrug MSCLEA practices plod along without re-evaluation.

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<sup>1</sup>Note that this trend mirrors the trend of modern insurgents in Iraq, Afghanistan, Lebanon, and elsewhere. Lacking strength, they seek anonymity among an unaware populace.

<sup>2</sup>President Richard M. Nixon, "Excerpts from President's Message on Drug Abuse Control," *New York Times*, 18 June 1971.

<sup>3</sup>Andreas, *Border Games*, 40.

<sup>4</sup>Bagley, *Myths of Militarization*, 4-5; and Bertram et al., 111.

<sup>5</sup>Scott H. Decker and Margaret Townsend Chapman. *Drug Smugglers on Drug Smuggling: Lessons from the Inside* (Philadelphia: Temple University Press, 2008), 184.

<sup>6</sup>Bruce Bagley, "The Colombian-Mexican-U.S. Connection: Drug Trafficking, Organized Crime, and Violence" (25 March 2009). Publication pending. Sent to the author by Dr. Bagley, Department of International Studies, University of Miami, 1-4.

<sup>7</sup>Reuter et al., v-vi.

<sup>8</sup>*Ibid.*, 31-34.

<sup>9</sup>*Ibid.*, 53.

<sup>10</sup>Bagley, "The Colombian-Mexican-U.S. Connection," 4-7; and Decker and Chapman, 34, 58.

- <sup>11</sup>Decker and Chapman, 6-7.
- <sup>12</sup>Andreas, *Border Games*, 52.
- <sup>13</sup>McCaffrey, Trip Report, 6.
- <sup>14</sup>U.S. Department of Justice, *NDTA 2009*, 49.
- <sup>15</sup>Central Intelligence Agency, *CIA World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/mx.html> (accessed 4 May 2009).
- <sup>16</sup>J2 (Intelligence) staff, JTF-North, interview. The Intelligence staff believes that the value of seized drugs alone approached \$39 billion.
- <sup>17</sup>Unattributed, "Worrying Signs From Border Raids," Stratfor, 12 November 2008, [http://www.stratfor.com/weekly/20081112\\_worrying\\_signs\\_border\\_raids.htm](http://www.stratfor.com/weekly/20081112_worrying_signs_border_raids.htm) (accessed 5 May 2009).
- <sup>18</sup>McCaffrey, Trip Report, 6.
- <sup>19</sup>J2 (Intelligence) staff, JTF-North, interview; and Vitiello, interview.
- <sup>20</sup>Susan E. Reed, "Certifiable: Mexico's Corruption, Washington's Indifference," *The New Republic*, March 1997, <http://www.pbs.org/wgbh/pages/frontline/shows/mexico/readings/newrepublic.html> (accessed 10 May 2009).
- <sup>21</sup>The reference to "an offer [they] can't refuse" is from the famous line in Mario Puzzo's *The Godfather*. Though Puzzo's work is a work of fiction, the method and motivational dilemma of death or monetary reward offered by Don Corleone are identical in both cases. Mario Puzzo, *The Godfather* (New York: Penguin Books, 1969), 34.
- <sup>22</sup>Reed.
- <sup>23</sup>*Ibid.*
- <sup>24</sup>McCaffrey, 6.
- <sup>25</sup>Doug Gross, "Wanted U.S. marshal's body found in Mexico," CNN.com, 26 Mar 2009, <http://www.cnn.com/2009/U.S./03/26/marshal.killed/index.html> (accessed 5 May 2009).
- <sup>26</sup>MSNBC.com, "Former Texas Sheriff Pleads Guilty in Drug Case," 1 May 2009, <http://www.msnbc.msn.com/id/30525269/> (accessed 5 May 2009).
- <sup>27</sup>JTF-North staff members, interviewed by author on background, Fort Bliss, TX, 7 August 2009.



<sup>28</sup>The term “fifth column” refers to a group of subversive infiltrators within a targeted society. The term was coined by Emilio Vidal in 1936 during the Spanish Civil war at his siege of Madrid, <http://www.britannica.com/EBchecked/topic/206477/fifth-column> (accessed 9 August 2009).

<sup>29</sup>*NDTA 2006*, 46. General McCaffrey states in his December 2008 trip report that “The malignancy of drug criminality now contaminates not only the 2000 miles of cross-border U.S. communities but stretches throughout the United States in more than 295 cities.” Figure 2 depicts only 235 cities reported by law enforcement as having active Mexican DTO cells. This author has chosen to trust the more conservative number of 235 as reported by law enforcement departments as the more valid estimate.

<sup>30</sup>Larry Copeland and Kevin Johnson, “Mexican Cartels Plague Atlanta,” *USA Today*, 8 March 2009, [http://www.usatoday.com/new/nation/2009-03-08-mex-cartels\\_N.htm](http://www.usatoday.com/new/nation/2009-03-08-mex-cartels_N.htm) (accessed 1 May 2009).

<sup>31</sup>*Ibid.*

<sup>32</sup>UPI.com, “Mexican Cartels Move Into U.S. Pot Growing,” 2 February 2009, [http://www.upi.com/Top\\_News/2009/02/02/Mexican-cartels-move-into-U.S.-pot-growing/UPI-99021233580269/](http://www.upi.com/Top_News/2009/02/02/Mexican-cartels-move-into-U.S.-pot-growing/UPI-99021233580269/) (accessed 5 May 2009).

<sup>33</sup>Michael Goodman. “Muerto, Inc.” *Los Angeles Magazine*, April 1997, as reproduced by PBS *Frontline*, <http://www.pbs.org/wgbh/pages/frontline/shows/mexico/readings/muerto.html> (accessed 13 May 2009).

<sup>34</sup>*Ibid.*

<sup>35</sup>Dunn, *The Militarization of the U.S.-Mexico Border*, 105.

<sup>36</sup>Romero, 201.

<sup>37</sup>Andreas, *Border Games*, 74.

<sup>38</sup>*Ibid.*, 51.

<sup>39</sup>*Ibid.*, 74.

<sup>40</sup>*Ibid.*

<sup>41</sup>*Ibid.*

<sup>42</sup>GAO, *Drug Control: Heavy Investment in Military Surveillance is Not Paying Off*, 29.

<sup>43</sup>Vitiello, interview. Note that this same needle and haystack analogy is ubiquitous in commentary on the effects of NAFTA to drug interdiction and has been used by Peter Andreas and other observers.

<sup>44</sup>Peter Andreas, "Politics on the Edge: Managing the U.S.-Mexico Border," *Current History*, no. 105 (February 2006): 65.

<sup>45</sup>*Ibid.*, 64.

<sup>46</sup>Andreas, *Border Games*, 76-77; and Customs and Border Protection website, <http://apps.cbp.gov/bwt/> (accessed 10 October 2009).

<sup>47</sup>Note: In practice, most point of entry lanes are reserved for passenger vehicles, not commercial trucks.

<sup>48</sup>Bertram et al., 106-107.

<sup>49</sup>Andreas, "Politics on the Edge," 65.

<sup>50</sup>Andreas, *Border Games*, 77.

<sup>51</sup>GAO, *Drug Control: Heavy Investment in Military Surveillance is Not Paying Off*, 21.

<sup>52</sup>Federation of American Scientists, "SSN 688 Los Angeles Class," [http://www.fas.org/programs/ssp/man/uswpns/navy/submarines/ssn688\\_la.html](http://www.fas.org/programs/ssp/man/uswpns/navy/submarines/ssn688_la.html) (accessed 1 November 2009).

<sup>53</sup>McCaffrey, interview.

<sup>54</sup>Author's personal notes from JTF-North visit.

<sup>55</sup>Headquarters, United States Marine Corps, Marine Corps Warfighting Publication (MCWP) 3-11.4 *Helicopterborne Operations* (Washington, DC: Department of the Navy, Headquarters U.S. Marine Corps, 16 August 2004), H-1 to H-3.

<sup>56</sup>Reuter et al., 53.

<sup>57</sup>Vitiello, interview.

<sup>58</sup>Bagley, *Myths of Militarization*, 14.

<sup>59</sup>Tri-fold pamphlet entitled "Joint Task Force North: Service to the Nation" provided to the author by the staff of JTF-North on 7 August 2009. The same information is available at the unit website, [http://www.jtfn.northcom.mil/subpages/mil\\_train.html](http://www.jtfn.northcom.mil/subpages/mil_train.html) (accessed 1 November 2009).

<sup>60</sup>Assistant Chief Fernando Melendez, USBP, USBP Special Coordination Center, interviewed by author, Fort Bliss, TX, 7 August 2009; and Vitello, interview.

<sup>61</sup>Headquarters, Department of the Army, Field Manual (FM) 3-0, *Operations* (Washington, DC: Headquarters, Department of the Army, February 2008), 6-6 to 6-14; and Dr. Jack Kem, *Design: Tools of the Trade* (Fort Leavenworth, KS: U.S. Army Command and General Staff College, May 2009).

<sup>62</sup>Bairstow, 60, 84-85.

<sup>63</sup>Jesse Katz, "Marines Faulted in Own Report on Teen's Death," *Los Angeles Times*, 20 September 1998.

<sup>64</sup>McCaffrey, interview.

<sup>65</sup>Dunn, *The Militarization of the U.S.-Mexico Border*, 22.

<sup>66</sup>Thomas J. Lujan, "Legal Aspects of Domestic Employment of the Army," *Parameters* (Autumn 1997): 82-97, <http://www.carlisle.army.mil/usawc/Parameters/97autumn/lujan.htm> (accessed 1 November 2009).

<sup>67</sup>*Ibid.*

<sup>68</sup>Vitiello, interview.

<sup>69</sup>*Ibid.*

<sup>70</sup>Dunn, *The Militarization of the U.S.-Mexico Border*, 183.

<sup>71</sup>U.S. Congress, Senate, Senate Report 109-88, *Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2006*, [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_reports&docid=f:sr088.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:sr088.109.pdf) (accessed 29 October 2009). This same line of reasoning regarding the DEA's responsibilities for international source country and transit interdiction aircraft led the Senate Appropriations Committee to direct an assessment of aircraft needs for DEA offices in source and transit countries. Senate Report 109-88 states: "DEA's mission is to disrupt and dismantle the major drug trafficking organizations responsible for supplying the bulk of illegal drugs that enter the United States. The Committee strongly supports this mission, but is concerned about the serious lack of air assets available to DEA agents stationed in key transit countries. To be most effective in these locations, DEA must be able to react quickly to traffickers' movements to intercept and deny large shipments of drugs bound for the United States. Due to other pressing demands, the air assets of the Defense Department and other law enforcement agencies are not generally available for DEA's use, leaving DEA unable to respond to important enforcement opportunities"

<sup>72</sup>Government Accountability Office, GAO-09-896, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, (Washington, DC: Government Printing Office, September 2009), 8.

<sup>73</sup>Melendez, interview.

<sup>74</sup>JTF-North planners routinely contract civilian commercially-available search radars in support of drug interdiction missions according to a JTF-North support planner during interview with the author.

<sup>75</sup>Federal Aviation Administration mission description under the heading of “What We Do,” <http://www.faa.gov/about/mission/activities/> (accessed 30 October 2009).

<sup>76</sup>Joint Publication 1-02 and FM 1-02 are absent definitions of “border security.”

<sup>77</sup>Colonel John Mayer, USMC, Deputy Commander, JTF-North, interviewed by author, Fort Bliss, TX, 7 August 2009.

<sup>78</sup>JTF-North pamphlet “Joint Task Force North: Service to the Nation.”

<sup>79</sup>MCWP 3-11.4, H-1 to H-3.

<sup>80</sup>GAO, *Drug Control: Heavy Investment in Military Surveillance is Not Paying Off*, 31.

<sup>81</sup>Major General John Coyne, Investigation report, “Investigation to Inquire Into the Circumstances Surrounding the Joint Task Force-6 (JTF-6) Shooting Incident That Occurred on 20 May 1997 Near the Border Between The United States and Mexico,” 7 April 1998, findings of fact 142, 144, 146, 151, and 242, <http://www.dpft.org/hernandez/coyne.htm> (accessed 1 November 2009).

<sup>82</sup>*Ibid.*, findings of fact 51 and 84.

<sup>83</sup>McCaffrey, interview.

## CHAPTER 6

### CONCLUSIONS AND RECOMMENDATIONS

The purpose of this chapter is to distill the analysis of chapter 5 into core conclusions and to provide recommendations for improving policies governing the employment of the U.S. military to combat Mexican DTOs along the southwest border. This chapter is divided into three sections. The first section presents recommendations for further related study by future researchers. The second section presents conclusions supported by the analysis in chapter 5. Finally, the chapter concludes with policy recommendations for improvements in the effectiveness of military employment against Mexican DTOs along the southwest border.

#### Recommendations for Further Study

The author recommends two future investigations related to this thesis. First, counterdrug literature needs a detailed comparison of the domestic counterdrug MSCLEA budget to the cost of funding the same support through either procurement or contracting. Such a study detailing the year-by-year funds spent on volunteer military support and the cost to procure the same organic capability for law enforcement agencies will facilitate sober policy decisions.

Second, policy makers need an independent assessment of the combat-relevant training value of domestic counterdrug MSCLEA tasks. Well-intentioned, patriotic military leaders continue to justify domestic MSCLEA as relevant training for wartime missions. An independent review will provide detailed information on which domestic counterdrug tasks are most suited--and which are least suited--to combat preparation.

## Conclusions

Illicit drug trafficking and addiction constitute legitimate threats to the well being of the U.S. However, presidential language classifying illicit drug usage as a national security threat wrongly implies a military solution to a social phenomenon. Declaring war on drug addiction is much like declaring war on gambling, underage drinking, or teen pregnancy. These citizen behaviors cannot be addressed with military power. Declaring war on DTOs is much like counterinsurgency. Drug traffickers have the same basic fire triangle requirements as insurgents. However, Mexican DTOs operating in the vicinity of the southwest border are immune from U.S. military power. Forces participating in counterdrug MSCLEA are prohibited by international law from intervening in DTO operations on sovereign Mexican territory. DTOs constrain their sophisticated military power and the vast majority of their violence to Mexico. Within the U.S., legal and policy restrictions on domestic military employment and DTO integration into civilian society prevent military forces from acting against drug traffickers and distributors.

Research conducted for this thesis strongly supports five dominant conclusions. First, the competition between national commercial survival and the relative nuisance of drug smuggling along the southwest border makes effective drug interdiction by any agency unlikely. Second, in the event of theoretical drug interdiction success along the southwest border, DTOs would retain sufficient freedom of action to continue smuggling operations via alternate routes. Third, the most common forms of counterdrug MSCLEA can easily be provided by properly-resourced law enforcement agencies. Those agencies should be provided the organic tools to succeed in their assigned tasks. Fourth, the military is simply unprepared for domestic counterdrug missions. The aggregate of the

first four conclusions leads to the fifth; the author is confident that overwhelming evidence exists to conclusively answer the primary research question.

The first conclusion illustrates the decisive advantage enjoyed by Mexican DTOs over law enforcement agencies and counterdrug MSCLEA forces. The U.S. simply cannot bear the economic costs of stopping the massive volume of commercial traffic crossing the southwest border to inspect every shipment for drugs. Yet, DTOs are known to have purchased legitimate companies in northern Mexico for the purpose of masking drug shipments within otherwise legitimate commercial shipments. NAFTA has effectively crippled any meaningful border drug interdiction efforts. There is insufficient national resolve to forcefully staunch the flow of drugs at the border; economic and humanitarian realities far outweigh counterdrug considerations. From the perspective of the war on drugs, NAFTA is a mortal, self-inflicted wound.

The second conclusion is a theoretical but vital realization. The trend of unintended consequences is instructive. Tactical interdiction successes will result in further adaptation by DTOs. Impeding the Mexican border, though unlikely, would result in a shift to the more vast U.S. border with Canada and in continued integration of production into the U.S. homeland. Let us suppose a hypothetical condition of perfect interdiction along the U.S.-Mexico border with a constant demand for drugs within the U.S. consumer base. Entrepreneurial drug traffickers would retain access to the longer, more remote, and heavily forested boundary with Canada. They would also retain access to seaborne commercial cargo bound for harbors along the Atlantic, Pacific, Caribbean coasts, the Mississippi River, and the Great Lakes. DTOs would have incentive to integrate production and processing functions forward into U.S. territory similar to the

historical integration of marijuana in the U.S. homeland. The unbroken trend of unintended consequences throughout the war on drugs validates this conclusion. There is no reason to suspect that geographically-constrained interdiction success will cause significant drug war progress. All previous drug war successes resulted in more effective DTOs that were ever more integrated into U.S. society.

The third conclusion of this thesis is that the vast majority of domestic counterdrug support provided by the military during the war on drugs is not required to be military. Each of the five most-requested methods of military support coordinated by JTF-North and provided by volunteer military units can be provided by one of two superior methods. If the requirement is enduring enough to justify capital expenditure and permanent manpower allocation, then the responsible law enforcement or DHS agency should be resourced with that organic capability. If requirements for such support are sporadic, then that capability could be either pooled among DHS and DOJ or contracted from civilian industry depending on security classification. In either case, law enforcement agencies responsible for drug interdiction would retain control over capabilities they need for domestic drug interdiction. Such organic control would end the dysfunctional current request process that cripples meaningful counterdrug operational design.

The fourth conclusion of this thesis is that the military is simply not prepared for domestic counterdrug MSCLEA operations. Military training is inadequate to meaningfully assist law enforcement within the U.S. Training for expeditionary combat operations cannot--and should not--include the same level of emphasis on force avoidance and de-escalation as does civilian law enforcement training. The military lacks



doctrine on border security and smuggling interdiction. Military flight hours and training days devoted to MSCLEA missions are generally not directly relevant to military missions in conflict. Counterdrug MSCLEA is a military distraction which places service members in potential contact with violent criminals on U.S. soil.

Taken together, the first four conclusions build to the dénouement of the fifth which directly answers the primary research question. Should additional U.S. military capabilities be brought to bear against Mexican DTOs to increase counterdrug effectiveness along the U.S.-Mexico border? They should not. Counterdrug MSCLEA along the southwest border has not yielded significant results in the two decades since the founding of JTF-6 over the objections of senior military and defense leadership. It should not be expected to do so in the foreseeable future.

From 1989 to 1994, the military operated under the congressional mandate to provide support but to provide that support with solely volunteer military forces, in missions that provided beneficial combat training. All missions were simultaneously required to comply with *Posse Comitatus* restrictions on domestic military employment. Military forces and law enforcement agencies walked the tightrope of restrictions governing domestic MSCLEA. The enactment of NAFTA in 1994 further complicated the task of drug interdiction along the southwest border.

The terrorist attacks on the U.S. homeland of 11 September 2001 inspired a major governmental reorganization which included the creation of DHS as a separate cabinet department. Defense leaders soon re-designated JTF-6 as JTF-North with a mission statement focused on transnational threats. Neither DHS, NORTHCOM, nor JTF-North mission statements specify drug interdiction, though JTF-North is still tasked with it.

Counterdrug MSCLEA has drifted forward in unexamined inertia despite plentiful evidence of its ineffectiveness. Military professionals enthusiastically and creatively performed every task asked of them to little effect. Yet, the problem of Mexican DTOs along the southwest border is not solvable by military forces operating under domestic legal and policy constraints. Counterdrug MSCLEA should not be increased; it should be curtailed. Law enforcement should be appropriately resourced to enforce laws.

### Policy Recommendations

These conclusions compel the author to make the following three policy recommendations. First, if civilian law enforcement agencies at the federal, state, and municipal levels have a valid, enduring need for capabilities to perform their counterdrug missions, then policy makers should resource those agencies accordingly. Sporadic, unpredictable support by voluntary military units is a stopgap measure that has been in place for twenty years. If law enforcement agencies are outgunned, they should get bigger guns. If they have a justified need for aircraft, sensors, bulldozers, other assets, or increases in manpower, then they should be appropriately resourced.

Second, overall U.S. drug policy should increase focus on demand reduction through education and treatment. So long as a multi-billion dollar annual market exists within the nation, some entrepreneurial organization will supply it. The U.S. is likely to maintain open borders with its two greatest trading partners, Mexico and Canada. The open borders and societal freedoms enjoyed by U.S. citizens and undocumented immigrants provide an insurmountable vulnerability to drug interdiction. While interdiction efforts are necessary and appropriate, a supply reduction strategy is flawed. Demand reduction is the only realistic means to make drug war progress.

Finally, policy makers should limit domestic counterdrug MSCLEA to those required tasks that can only be performed by military assets. Such tasks should be both necessary for drug war progress and beyond the capabilities of law enforcement agencies. Examples of such support may include heavy fixed-wing airlift, satellite imagery, and electronic intercept. Leaders should discard the MSCLEA justification of training value to participating military units. Missions should be solely justified on the basis of necessity.

## APPENDIX A

### Timeline of Drug Enforcement Escalation

Year	Event
1848	Southwest border established in the Treaty of Guadalupe Hidalgo <sup>1</sup>
1890	In an effort to combat the smuggling and production of opium by Chinese immigrants, laws were passed allowing only US citizens to manufacture personal-use opium. <sup>2</sup>
1906	The Pure Food and Drug Act requires medication containing narcotics to declare so on medicine labels <sup>3</sup>
1914	Harrison Narcotics Act: This law required narcotics sales oversight by the federal government, imposed sales tax on narcotics, and mandated a medical prescription for all legal drug sales. <sup>4</sup>
1919	Volstead Act: Prohibited the production, distribution, and consumption of alcohol within the US <sup>5</sup>
1924	Border patrol is established to keep “illegal aliens” out of the US <sup>6</sup>
1933	Volstead Act (prohibition of alcohol) is repealed <sup>7</sup>
1982	Defense Authorization Act relaxes <i>Posse Comitatus</i> restrictions on military participation in law enforcement <sup>8</sup>
1986	President Reagan formally designates drug trafficking a threat to national security <sup>9</sup>
1988	Congress considers ordering the US military to seal national borders from drug smuggling <sup>10</sup>
1989	The Secretary of Defense designates the counterdrug mission a “high priority national security mission.” <sup>11</sup>
1989	In December, a platoon of US Marines accompanied by a single border patrol agent engages in a firefight with drug smugglers near Nogales, Arizona during a “training mission.” <sup>12</sup>
1989	In November, Joint Task Force-6 is established at Fort Bliss in El Paso, Texas as part of President George H. W. Bush’s National Drug Control Strategy
1990	Defense Authorization Act specifically requires the military to conduct training operations in DTO smuggling corridors <sup>13</sup>
1991	Defense Authorization Act authorizes the military to provide counterdrug training to law enforcement, to conduct reconnaissance patrols along the border, to provide command and control support, to provide services, and to construct obstacles and lighting along the border. <sup>14</sup>
1994	The Southwest Border Initiative is established to “develop a regional strategy to investigate, prosecute, and dismantle the most significant narcotics traffickers operating from Mexico.” <sup>15</sup>
1994	01 January 1994, the North American Free Trade Agreement (NAFTA) took effect <sup>16</sup>
2001	11 September 2001, terrorist attacks on U.S. homeland
2004	JTF-6 re-designated JTF-North and given mission of protecting the U.S. homeland from transnational threats <sup>17</sup>

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<sup>1</sup>Dunn, 1.

<sup>2</sup>Recio, 24.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., 25.

<sup>5</sup>Ibid., 26.

<sup>6</sup>Dunn, 12.

<sup>7</sup>Recio, 27.

<sup>8</sup>Dunn, 106.

<sup>9</sup>Ibid., 2.

<sup>10</sup>Ibid., 2-3.

<sup>11</sup>Ibid., 124.

<sup>12</sup> Ibid., 133.

<sup>13</sup>Ibid., 119.

<sup>14</sup>Ibid., 120.

<sup>15</sup>Andreas, *Border Games*, 56.

<sup>16</sup>Romero, 42.

<sup>17</sup>Excerpt from unattributed *USNORTHCOM Command History* sent to the author by Major Jason Brown, USMC, JTF-North operational planner, 46.

## APPENDIX B

### Oral History Interview Consent Forms

#### CONSENT AND USE AGREEMENT FOR ORAL HISTORY MATERIALS

You have the right to choose whether or not you will participate in this oral history interview, and once you begin you may cease participating at any time without penalty. The anticipated risk to you in participating is negligible and no direct personal benefit has been offered for your participation. If you have questions about this research study, please contact the student at: 949.280.5600 or Dr. Robert F. Baumann, Director of Graduate Degree Programs, at (913) 684-2742.

To: Director, Graduate Degree Programs  
Room 3517, Lewis & Clark Center  
U.S. Army Command and General Staff College

1. I, Gen. Barry McAffrey, participated in an oral history interview conducted by

MAT E.A. REID, USMC, a graduate student in the Master of Military Art and Science

Degree Program, on the following date [s]: 18 August 2009 concerning the

following topic: MILITARY SUPPORT TO LAW ENFORCEMENT ALONG THE US-MEXICO BORDER.

2. I understand that the recording [s] and any transcript resulting from this oral history will belong to the U.S. Government to be used in any manner deemed in the best interests of the Command and General Staff College or the U.S. Army, in accordance with guidelines posted by the Director, Graduate Degree Programs and the Center for Military History. I also understand that subject to security classification restrictions I will be provided with a copy of the recording for my professional records. In addition, prior to the publication of any complete edited transcript of this oral history, I will be afforded an opportunity to verify its accuracy.

3. I hereby expressly and voluntarily relinquish all rights and interests in the recording [s] with the following caveat:

☒ None ☐ Other: \_\_\_\_\_

I understand that my participation in this oral history interview is voluntary and I may stop participating at any time without explanation or penalty. I understand that the tapes and transcripts resulting from this oral history may be subject to the Freedom of Information Act, and therefore, may be releasable to the public contrary to my wishes. I further understand that, within the limits of the law, the U.S. Army will attempt to honor the restrictions I have requested to be placed on these materials.

Barry K. McAffrey  
Central, USA (Ret.)  
Name of Interviewee

Signature

Date

18 August 2009

E.A. REID, MAT USMC  
Accepted on Behalf of the Army by

18 Aug 09  
Date

CONSENT AND USE AGREEMENT FOR ORAL HISTORY MATERIALS

You have the right to choose whether or not you will participate in this oral history interview, and once you begin you may cease participating at any time without penalty. The anticipated risk to you in participating is negligible and no direct personal benefit has been offered for your participation. If you have questions about this research study, please contact the student at: 949 280 5600 or Dr. Robert F. Baumann, Director of Graduate Degree Programs, at (913) 684-2742.

To: Director, Graduate Degree Programs  
Room 3517, Lewis & Clark Center  
U.S. Army Command and General Staff College

1. I, COL JOHN MAYER USMC, participated in an oral history interview conducted by

MAJOR ERIC A. REID, USMC, a graduate student in the Master of Military Art and Science

Degree Program, on the following date [s]: 07 AUGUST 2009 concerning the

following topic: MILITARY SUPPORT TO LAW ENFORCEMENT BY JTF-N.

2. I understand that the recording [s] and any transcript resulting from this oral history will belong to the U.S. Government to be used in any manner deemed in the best interests of the Command and General Staff College or the U.S. Army, in accordance with guidelines posted by the Director, Graduate Degree Programs and the Center for Military History. I also understand that subject to security classification restrictions I will be provided with a copy of the recording for my professional records. In addition, prior to the publication of any complete edited transcript of this oral history, I will be afforded an opportunity to verify its accuracy.

3. I hereby expressly and voluntarily relinquish all rights and interests in the recording [s] with the following caveat:

☒ None ☐ Other: \_\_\_\_\_

I understand that my participation in this oral history interview is voluntary and I may stop participating at any time without explanation or penalty. I understand that the tapes and transcripts resulting from this oral history may be subject to the Freedom of Information Act, and therefore, may be releasable to the public contrary to my wishes. I further understand that, within the limits of the law, the U.S. Army will attempt to honor the restrictions I have requested to be placed on these materials.

<u>Col John Mayer</u>	<u>John J. Mayer</u>	<u>090807</u>
Name of Interviewee	Signature	Date
<u>MAJ E.A. REID, USMC</u>	<u>[Signature]</u>	<u>07 AUG 09</u>
Accepted on Behalf of the Army by		Date

# CONSENT AND USE AGREEMENT FOR ORAL HISTORY MATERIALS

You have the right to choose whether or not you will participate in this oral history interview, and once you begin you may cease participating at any time without penalty. The anticipated risk to you in participating is negligible and no direct personal benefit has been offered for your participation. If you have questions about this research study, please contact the student at: 949.280.5660 or Dr. Robert F. Baumann, Director of Graduate Degree Programs, at (913) 684-2742.

To: Director, Graduate Degree Programs  
Room 3517, Lewis & Clark Center  
U.S. Army Command and General Staff College

1. I, Ronald D. Vitiello, participated in an oral history interview conducted by

MAT E.A. REID, USMC, a graduate student in the Master of Military Art and Science

Degree Program, on the following date [s]: August 3, 2009 concerning the

following topic: MILITARY SUPPORT TO DRUG INTERDICTION ALONG THE US-MEXICO BORDER

2. I understand that the recording [s] and any transcript resulting from this oral history will belong to the U.S. Government to be used in any manner deemed in the best interests of the Command and General Staff College or the U.S. Army, in accordance with guidelines posted by the Director, Graduate Degree Programs and the Center for Military History. I also understand that subject to security classification restrictions I will be provided with a copy of the recording for my professional records. In addition, prior to the publication of any complete edited transcript of this oral history, I will be afforded an opportunity to verify its accuracy.

3. I hereby expressly and voluntarily relinquish all rights and interests in the recording [s] with the following caveat:

☒ None ☐ Other: \_\_\_\_\_

I understand that my participation in this oral history interview is voluntary and I may stop participating at any time without explanation or penalty. I understand that the tapes and transcripts resulting from this oral history may be subject to the Freedom of Information Act, and therefore, may be releasable to the public contrary to my wishes. I further understand that, within the limits of the law, the U.S. Army will attempt to honor the restrictions I have requested to be placed on these materials.

Ronald D. Vitiello cm [Signature] August 3, 2009  
Name of Interviewee Signature Date  
[Signature] E.A. REID, MATS, USMC 03 AUG 09  
Accepted on Behalf of the Army by Date



# CONSENT AND USE AGREEMENT FOR ORAL HISTORY MATERIALS

You have the right to choose whether or not you will participate in this oral history interview, and once you begin you may cease participating at any time without penalty. The anticipated risk to you in participating is negligible and no direct personal benefit has been offered for your participation. If you have questions about this research study, please contact the student at: 949 280 5660 or Dr. Robert F. Baumann, Director of Graduate Degree Programs, at (913) 684-2742.

To: Director, Graduate Degree Programs  
Room 3517, Lewis & Clark Center  
U.S. Army Command and General Staff College

1. I, FERNANDO MELENDEZ, participated in an oral history interview conducted by

MAJ EA REID, USMC, a graduate student in the Master of Military Art and Science

Degree Program, on the following date [s]: 07 AUG 09 concerning the  
following topic: MILITARY SUPPORT TO LAW ENFORCEMENT.

2. I understand that the recording [s] and any transcript resulting from this oral history will belong to the U.S. Government to be used in any manner deemed in the best interests of the Command and General Staff College or the U.S. Army, in accordance with guidelines posted by the Director, Graduate Degree Programs and the Center for Military History. I also understand that subject to security classification restrictions I will be provided with a copy of the recording for my professional records. In addition, prior to the publication of any complete edited transcript of this oral history, I will be afforded an opportunity to verify its accuracy.

3. I hereby expressly and voluntarily relinquish all rights and interests in the recording [s] with the following caveat:

☒ None ☐ Other: \_\_\_\_\_

I understand that my participation in this oral history interview is voluntary and I may stop participating at any time without explanation or penalty. I understand that the tapes and transcripts resulting from this oral history may be subject to the Freedom of Information Act, and therefore, may be releasable to the public contrary to my wishes. I further understand that, within the limits of the law, the U.S. Army will attempt to honor the restrictions I have requested to be placed on these materials.

<u>FERNANDO MELENDEZ</u>		<u>07 AUG 09</u>
Name of Interviewee	Signature	Date
<u>MAJ. E. A. REID</u>		<u>07 AUG 09</u>
Accepted on Behalf of the Army by		Date

CONSENT AND USE AGREEMENT FOR ORAL HISTORY MATERIALS

You have the right to choose whether or not you will participate in this oral history interview, and once you begin you may cease participating at any time without penalty. The anticipated risk to you in participating is negligible and no direct personal benefit has been offered for your participation. If you have questions about this research study, please contact the student at: 949 280 5440 or Dr. Robert F. Baumann, Director of Graduate Degree Programs, at (913) 684-2742.

To: Director, Graduate Degree Programs  
Room 3517, Lewis & Clark Center  
U.S. Army Command and General Staff College

1. I, JASON P. BROWN, MS, USMC participated in an oral history interview conducted by  
MAJ E.A. REID, USMC, a graduate student in the Master of Military Art and Science  
Degree Program, on the following date [s]: 07 AUG 09 concerning the  
following topic: MILITARY SUPPORT TO CIVILIAN LAW ENFORCEMENT.

2. I understand that the recording [s] and any transcript resulting from this oral history will belong to the U.S. Government to be used in any manner deemed in the best interests of the Command and General Staff College or the U.S. Army, in accordance with guidelines posted by the Director, Graduate Degree Programs and the Center for Military History. I also understand that subject to security classification restrictions I will be provided with a copy of the recording for my professional records. In addition, prior to the publication of any complete edited transcript of this oral history, I will be afforded an opportunity to verify its accuracy.

3. I hereby expressly and voluntarily relinquish all rights and interests in the recording [s] with the following caveat:

☒ None ☐ Other: \_\_\_\_\_

I understand that my participation in this oral history interview is voluntary and I may stop participating at any time without explanation or penalty. I understand that the tapes and transcripts resulting from this oral history may be subject to the Freedom of Information Act, and therefore, may be releasable to the public contrary to my wishes. I further understand that, within the limits of the law, the U.S. Army will attempt to honor the restrictions I have requested to be placed on these materials.

<u>Jason P. Brown</u>	<u>Jason P. Brown</u>	<u>092807</u>
Name of Interviewee	Signature	Date
<u>ERIC A. REID, MS, USMC</u>	<u>Eric A. Reid</u>	<u>07 AUG 09</u>
Accepted on Behalf of the Army by		Date

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